



Security Council

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Letter dated 26 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached third report of Mali submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ellen Margrethe Løj
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

[Original: French]

**Letter dated 19 December 2006 from Permanent Representative
of Mali to the United Nations addressed to the Chairman of the
Counter-Terrorism Committee**

I have the honour to transmit to you herewith the third report of Mali on the implementation of Security Council resolution 1373 (2001) and its observations on the preliminary conclusions of the visit by the Counter-Terrorism Committee Executive Directorate to the Republic of Mali from 2 to 6 October 2006 (see enclosure).

(Signed) Cheick Sidi **Diarra**
Ambassador
Permanent Representative

Enclosure

Responses to the questions of the Counter-Terrorism Committee (CTC) concerning the third report of Mali on the implementation of Security Council resolution 1373 (2001)

1. Implementation measures

1.2 Subparagraph 1 (b) of the resolution

Mali ratified the International Convention for the Suppression of the Financing of Terrorism on 28 March 2002. The provisions of this Convention are being incorporated into domestic law. A draft counter-terrorism act has been prepared for this purpose. One chapter of the draft act is devoted to the financing of terrorism and another chapter deals with the penalties provided for various terrorist acts.

Under article 6 of the draft act, "financing a terrorist undertaking by supplying, bringing together or managing funds, securities or assets or providing guidance for this purpose, with the intention or in the knowledge that they will be used, wholly or in part, to perpetrate any of the terrorist acts referred to in the various counter-terrorism conventions and laws, whether or not such an act occurs, shall also constitute a terrorist act".

Under the draft act, "concealing, disguising the nature, location, source or ownership of funds, securities or assets in the knowledge that they will be used, wholly or in part, to perpetrate a terrorist act shall constitute a terrorist act".

Under article 7 of the draft act, "any person attempting to commit an act of terrorism is exempt from punishment if, having warned the administrative or judicial authorities, that person has been able to prevent the commission of the offence and to identify the other perpetrators, if any.

The sentence of imprisonment imposed on the perpetrator of an act of terrorism may be reduced by half if, by warning the administrative or judicial authorities, he has made it possible to terminate the criminal activity or to prevent the offence from causing death or permanent injury and to identify other perpetrators, if any. When the sentence imposed is life imprisonment, it shall be reduced to a term of 15 years."

Under article 8 of the draft act, "the acts referred to in article 2, paragraphs 1 to 5, and article 5, paragraph 8, shall be liable to life imprisonment. The other acts referred to shall be liable to imprisonment for five to 20 years.

However, where a terrorist act results in the death of one or more persons, it shall be punishable by death.

In all cases, a fine ranging from 2 to 10 million CFA francs shall be imposed.

The sentencing court may also decide to impose banishment of between one and ten years on nationals and temporary or permanent banishment on foreigners."

1.3 Subparagraph 1 (c) of the resolution

Mali is a member of the West African Economic and Monetary Union (WAEMU), which has adopted the following measures:

- Regulation No. 14/2002/CM/UEMOA of 19 September 2002 on the freezing of funds and other financial resources in the context of combating the financing of terrorism in WAEMU member States;
- Decision No. 06/2003/CM/UEMOA of 26 June 2003 concerning the list of individuals, entities or organizations subject to the freezing of funds and other financial resources in the context of combating the financing of terrorism in WAEMU member States;
- Decision No. 04/2004/CM/UEMOA amending Decision No. 06/2003/CM/UEMOA and Decision No. 12/2005/CM/UEMOA amending Decision No. 04/2004/CM/UEMOA.

The aim of the regulation is to establish rules on the freezing of funds and other financial resources in member States by the persons referred to in article 3, pursuant to Security Council resolution 1267 (1999), with a view to preventing the use of banking and financial channels of the Union in financing terrorist acts (article 2).

Decision No. 12/2005/CM/UEMOA establishes a list of individuals, entities and organizations whose funds must be frozen in accordance with the regulation, pursuant to Security Council resolution 1267 (1999) and Security Council resolution 1373 (2001).

The Government systematically submits to banks and other financial institutions in the country the lists prepared by the Security Council Committee established pursuant to resolution 1267 (1999), with a view to freezing the assets of individuals and entities belonging to or associated with Al-Qaida or the Taliban.

1.4 Subparagraph 1 (a) of the resolution

Articles 298 and 299 of Mali's Penal Code (Act No. 01-079 of 20 August 2001, Official Gazette 1 February 2002) contain the following paragraphs on money-laundering:

Under article 298 the following is considered money-laundering:

(a) The conversion or transfer of property for the purpose of concealing or disguising the illicit origin of such property, or of assisting any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her actions;

(b) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of property;

(c) The acquisition, possession or use of property by any person who knows that such property constitutes proceeds of a crime.

Under article 299, any person found guilty of money-laundering shall be liable to five to ten years' imprisonment and a fine ranging from 5 to 50 million CFA francs. In addition, property of the convicted person shall be confiscated up to the value of the enrichment obtained by him, unless he can establish the absence of any connection between such enrichment and the offence.

WAEMU also adopted Regulation No. 07/2002/CM/UEMOA of 19 September 2002 concerning action to combat money-laundering in WAEMU member States.

The regulation establishes the legal framework for money-laundering with a view to preventing the recycling of proceeds or all other assets of illicit origin through the economic, financial and banking channels of the Union.

On 20 March 2003, the WAEMU Council of Ministers adopted a uniform law concerning the control of money-laundering in member States, with a view to incorporating the regulation into domestic legislation.

The law was adopted by the Government of Mali at the 15 June 2006 Council of Ministers meeting and referred to the National Assembly for final approval. It contains the following provisions:

- The definition of "know your customer" rules for banks and financial institutions;
- The definition of principles for oversight of certain operations with monitoring thresholds;
- The process of detecting and reporting suspicious transactions in authorized institutions;
- The establishment of the National Financial Information Processing Unit.

On 12 April 2002, Mali ratified the United Nations Convention against Transnational Organized Crime. Articles 6 and 7 of the Convention concern the control of money-laundering. It also ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna in 1988.

In addition, Mali participates in the work of the Technical Commission and the Ad-Hoc Ministerial Committee of the Intergovernmental Action Group against Money Laundering (GIABA), which was established by the Heads of State and Government of the Economic Community of West African States (ECOWAS) on 12 November 1999. The twenty-ninth ECOWAS Summit broadened the GIABA mandate to include counter-terrorism, especially the financing of terrorism. The measures taken under this subregional mechanism are implemented in Mali.

In terms of legislative measures, the Penal Code contains provisions concerning money-laundering, with article 298 defining and article 299 providing punishments for the crime of money-laundering.

As a matter of practice, the Ministry of Economy and Finance carries out periodic controls of licensed individual foreign exchange operators. Most recently, 40 such operators in Bamako, out of a total of 53, including 1 outside Bamako, were subjected to spot inspections from 27 February to 7 March 2006.

1.5 Subparagraph 1 (a) of the resolution

Article 26 of WAEMU Directive no. 07/2002/CM/UEMOA of 19 September 2002 sets forth the obligation to report suspicious transactions.

The persons referred to in article 5 shall be required to report to the National Financial Information Processing Unit (CENTIF), under the conditions laid down in this law and in accordance with a reporting format established by an order issued by the Minister of Finance:

- Sums of money and other assets in their possession that might result from money-laundering;
- Assets-related transactions that might form part of a money-laundering process;
- Sums of money and other assets in their possession suspected of being intended to finance terrorism and appearing to result from money-laundering operations.

Employees of the aforementioned persons shall be required to inform their supervisors of such transactions immediately upon learning of them.

The aforementioned natural and legal persons shall be under an obligation to report such transactions to CENTIF, even if it was not possible to delay their execution or if it transpired, after the transaction had occurred, that it involved sums of money and other assets originating from suspicious sources.

Such reports shall be confidential and may not be communicated to the owner of the assets or to the initiator of the transactions.

Any information likely to alter the assessment expressed by the natural or legal person when reporting the suspicious transaction, either to confirm it or show it to be unfounded, should be brought promptly to the notice of CENTIF.

The provisions of the law apply to all "natural and legal persons who in the practice of their profession conduct, monitor or provide advice about transactions involving deposits, exchanges, investments, conversions or any other movement of funds", including:

- (a) The national treasuries of Member States;
- (b) The Central Bank of West African States (BCEAO);
- (c) Financial institutions;

(d) Independent legal professionals when they represent or assist clients outside of normal legal procedures, including in connection with the following activities: buying and selling of real estate, business entities or business funds, management of client money, security or other assets; opening or management of bank, savings or securities accounts, creation, operation or management of companies, trusts or similar entities, carrying out other financial transactions;

(e) Other persons or entities subject to the regulations, in particular: business service providers to financial institutions, boards of auditors; real estate agents; dealers in high-value items such as works of art (in particular paintings and masks), precious stones and metals; cash couriers; managers, owners and directors of casinos and gambling establishments, including national lotteries; travel agents (article 5).

In the legislative sphere, the Mali Commercial Code, enacted by Act no. 02 of 27 August 1992, contains provisions concerning proceedings related to exchange control offences.

This Act provides for judicial proceedings against any person violating the regulations on financial relations involving other countries, such as non-compliance with reporting or repatriation obligations.

1.6 Subparagraph 1 (a) of the resolution

BCEAO is the minting institution shared by the eight members of the West African Monetary Union (WAMU). It prescribes the regulations for and exercises oversight over banks and financial institutions.

In that regard, the Banking Commission, established on 24 April 1990 and presided by the Governor of BCEAO, is responsible for the regulation and supervision of the WAMU banking system. The WAMU banking system is supervised and regulated on the basis of legal instruments which stem from the provisions of the Banking Law, which entered into force on 1 October 1990. The Banking Law provides that banks or financial institutions be authorized by the Banking Commission before they can carry out banking transactions such as money transfers.

In Mali, violations by credit establishments of this law results in sanctions by the Banking Commission, which is responsible for regulation and oversight of such establishments.

In Mali financial establishments may engage in credit activities subject to the authorization of the Minister of Finance, on the recommendation of the Banking Commission (Banking Law, part II, articles 7, 8 and 9).

It should be noted, however, that many Malian expatriates transfer funds through informal channels which are difficult to control.

1.7 Subparagraph 1 (d) of the resolution

Mali has established a legislative and regulatory framework for controlling and supervising the activities of non-governmental associations and organizations, including:

- Act No. 04-038 of 5 August 2004 concerning associations;
- Decree No. 05-P-RM of 11 May 2005 on investigating, monitoring and enforcement of the operations of associations that have a framework agreement with the State (associations refers to non-governmental organizations);
- Decree No. 05-271 P-RM of 15 June 2005 concerning the national commission for the evaluation of the activities of associations that have entered into a framework agreement with the State;
- Act No. 98-040 of 20 July 1998 concerning the status of refugees.

Furthermore, Mali is party to a number of international legal instruments dealing with mutual judicial assistance. It has also signed bilateral legal cooperation agreements with a number of African countries. However, these agreements do not contain provisions expressly designed to trace funds donated for charitable, social, religious or cultural purposes.

Mali is not, however, opposed to the inclusion in treaties on judicial cooperation of provisions expressly designed to trace funds donated abroad for charitable, social, religious or cultural purposes on Malian territory and vice versa.

1.8 Subparagraph 2 (a) of the resolution

In the context of incorporating international counter-terrorism instruments into domestic law, the draft act on terrorism criminalizes the recruitment of members of terrorist groups. Indeed, article 4 thereof provides that "the recruitment of another person with a view to committing or participating in the commission of any of the offences under this act shall also constitute an act of terrorism ...".

1.9 Subparagraph 2 (a) of the resolution

Article 24 of the Penal Code provides that: The following shall be punished as accomplices to a crime or an offence:

Any person who, by means of donations, promises, threats, abuses of authority or power, plots or deliberate deception, guidance, orders, directly provoked the crime or offence or gave instructions, indications, or information for committing it;

Any person who provided weapons, instruments or any other means used in the crime or offence, knowing that they would be used for that purpose;

Any person who knowingly aided or abetted the perpetrator or perpetrators of the crime or offence in preparing, facilitating or carrying it out, without prejudice to the specific penalties provided for in this Code for those who engage in conspiracy or attacks against State security, whether or not the crime intended by the conspirators or instigators was actually committed;

Any person who knowingly suppresses or attempts to suppress evidence of the act, or who knowingly aids and abets by any means, the perpetrators of a crime or an offence, or the accessories thereto, in evading justice;

Any person who unlawfully receives, in whole or in part, articles which have been removed, misappropriated or obtained by means of a crime or an offence;

The conspirators shall be subject to the same penalties as the perpetrators of the crime or offence.

On 12 November 2004, Mali adopted Act No. 04-050 governing weapons and ammunition in the Republic of Mali.

This Act formally prohibits the possession of military weapons and ammunition by individuals.

It establishes the conditions for the sale, circulation and carrying of weapons categorized under article 3. It also prohibits the transit through Malian territory of such weapons and ammunition.

Weapons and ammunition brought into Mali in violation of the provisions of this Act will be seized.

Violations of this Act shall be punished by a prison term of one to five years and/or a fine of CFA 50,000 to 500,000.

1.10 Subparagraph 2 (b) of the resolution

There is a mechanism for cross-border cooperation among Mali and its neighbours designed to combat banditry and insecurity along their borders. It provides for early-warning among these countries in case of threats of terrorist

activities. Indeed, under this mechanism for cross-border cooperation, periodic meetings of ministers and regional governors are held. Collaboration among border security officials makes it possible to rapidly exchange information on the activities of criminal groups. Joint and simultaneous patrols to secure common border zones are periodically organized with these countries.

Thus in 2005, cooperation between the armed and security forces of Mali and of Mauritania led to the release of Qatari tourists taken hostage by armed bandits operating along the borders of the two countries.

The national central bureau of the International Criminal Police Organization (ICPO Interpol) at Bamako works closely with the General Secretariat of ICPO Interpol and other national central bureaus. Its mission is to assist the police, gendarmerie, customs service and all other public services involved in combating terrorism and transnational crime and in transmitting information to be sent abroad or received from abroad. For this purpose, a communications system referred to as I-24/7 is being installed in the bureau.

Mali participates in the United States-sponsored Trans-Sahara Counterterrorism Initiative, which includes 12 countries. The Initiative's goal is to strengthen the capacity of armed and security forces.

At the ECOWAS level, in order to enhance cross-border cooperation, a Criminal Intelligence and Information Bureau has been established under the Protocol relating to the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security, signed in Lomé on 10 December 1999.

1.11 Subparagraph 2 (c) of the resolution

Under articles 176 and 177 of the Penal Code shall be punishable any person who has provided asylum to any person affiliated with an association of wrongdoers as specified in article 175, or has participated in such a conspiracy. These provisions are also applicable to any association or conspiracy intended to prepare or commit acts of terrorism.

Article 175: "Any association, of any duration and with any number of members, and any conspiracy intended to prepare or commit an attack on persons or property shall constitute a crime against public order".

Any person who has knowingly joined an association or participated in a conspiracy for the purpose specified in the above paragraph shall be punished by banishment for five to twenty years".

Any perpetrators of the crimes or offences specified in this article and who prior to the initiation of any proceedings against them disclosed to the authorities the existence of such conspiracy or association, shall be exempt from punishment.

Article 176: "Any person who has knowingly and deliberately abetted those responsible for crimes specified in article 175, by providing them with the instruments of the crime, means of correspondence, asylum, accommodation or meeting premises, shall be punished by a prison term of five to ten years."

The perpetrator also faces banishment as specified in article 175.

The provisions of the last subparagraph of article 175 shall, however, also apply to the perpetrator.

Article 177: "Any person who has knowledge of the activities of criminals engaged in banditry or attacks against State security, public order, persons, or provides them with a place of lodging, asylum, or refuge or meeting premises, shall be punished as an accomplice."

Furthermore, Mali ratified the Convention relating to the Status of Refugees on 2 February 1993, article 1 (F) of which specifies that "the provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations."

Pursuant to this provision, perpetrators of terrorist acts, which are contrary to the purposes and principles of the United Nations, shall not be granted asylum.

1.12 Subparagraph 2 (d) of the resolution:

Article 24 of the Penal Code criminalizes active complicity and applies to the preparation on Malian territory of terrorist acts committed against other States or against the citizens of those States.

The article provides that "the following shall be punished as accomplices to a crime or an offence:

Any person who, by means of donations, promises, threats, abuses of authority or power, plots or deliberate deception, directly provoked the crime or offence or gave instructions, indications, or information for committing it;

Any person who provided weapons, instruments or any other means used in the crime or offence, knowing that they would be used for that purpose;

Any person who knowingly aided or abetted the perpetrator or perpetrators of the act in preparing, facilitating or carrying it out, without prejudice to the specific penalties provided for in this Code for those who engage in conspiracy or attacks against State security, whether or not the crime intended by the conspirators or instigators was actually committed;

Any person who knowingly suppresses or attempts to suppress evidence of the act or who, by any means, knowingly aids and abets, the perpetrators of a crime or an offence, or the accessories thereto, in evading justice.

Any person who unlawfully receives, in whole or in part, articles which have been removed, misappropriated or obtained by means of a crime or an offence.

The conspirators shall be subject to the same penalties as the perpetrators of the crime or offence.

The provisions in paragraph 5 of this article shall not apply to the direct lineal ascendants and descendants of the perpetrators or accessories or to their brothers, sisters, spouses, guardians and wards."

1.13 Subparagraph 2 (e) of the resolution

Articles 22 to 24 of the Code of Criminal Procedure (Act No. 01-080 of 20 August 2001, Official Gazette of 1 February 2002) define the jurisdiction of the Malian courts with respect to prosecuting crimes and offences committed abroad by a Malian national or a foreign national currently residing in Mali.

Article 22 provides that "Any Malian who, while outside Malian territory, committed an act which constitutes an offence under Malian law, may be prosecuted and sentenced by Malian courts.

Any Malian who, while outside Malian territory, committed an act which constitutes an offence under Malian law, may be prosecuted and sentenced by Malian courts, if the act is punishable under the law of the country in which it was committed.

The same shall also apply to the perpetrator who only acquired Malian nationality after the commission of the crime or offence.

However, no prosecution shall be initiated against the perpetrator of a crime or misdemeanour provided he or she can show evidence that they have been the subject of a final judgement or been tried abroad and, where convicted, that they have served the sentence or been pardoned.

Any offence, an element of which occurred in Mali, shall be considered to have been committed on Malian territory.

In respect of an offence committed against a Malian national or a foreign national, proceedings may be initiated only at the request of the Public Prosecutor's Office following a complaint by the injured party or an official complaint addressed to the Government of Mali by the Government of the country in which the offence was committed."

Article 24 provides that "Proceedings shall be initiated at the request of the Public Prosecutor's Office of the place where the defendant resides or can be located.

However, the Supreme Court may, at the request of the Public Prosecutor's Office or the parties, refer the case to a court in the vicinity of the place where the crime or offence was committed.

Any alien who, while outside Mali, perpetrates or aids and abets in the perpetration of a crime against State security or forges the State seal or the national legal tender, national identity documents or banknotes, may be prosecuted and sentenced under Malian law if he or she is arrested in Mali or if the Government obtains his or her extradition."

1.14 Subparagraph 2 (f) of the resolution:

The Malian Code of Criminal Procedure does not cover judicial assistance in connection with criminal investigations or criminal proceedings. Rather, that issue is

covered under multilateral or bilateral treaties on mutual judicial assistance concluded by Mali.

1.15 Subparagraph 3 (c) of the resolution:

Mali is party to 12 international legal instruments relating to counter-terrorism which contain provisions on mutual judicial assistance. Mali is also party to other counter-terrorism instruments including, inter alia:

- The International Convention against the Recruitment, Use, Financing and Training of Mercenaries of 4 December 1989;
- The Framework Convention on Civil Defence Assistance of 22 May 2000;
- The United Nations Convention against Transnational Organized Crime and the respective additional Protocols of 15 December 2000;
- The United Nations Convention against Corruption of 9 December 2003;
- The OAU Convention on the Prevention and Combating of Terrorism of 14 July 1999;
- The Convention of the Organization of the Islamic Conference on Combating International Terrorism of 1 July 1999;
- The ECOWAS Convention A/P1/7/92 on Mutual Assistance in Criminal Matters of 29 July 1992.

Mali has also concluded bilateral cooperation and mutual judicial assistance agreements including:

- The Convention on Judicial Cooperation between the Republic of Mali and the People's Democratic Republic of Algeria, signed at Bamako on 28 January 1983;
- A general convention on cooperation in judicial matters between the Republic of Mali and Burkina Faso, signed at Bamako on 23 November 1963;
- The General Convention on Judicial Matters between the Republic of Mali and the Republic of Cameroon, signed at Bamako on 6 May 1964;
- A general convention on cooperation in judicial matters between the Republic of Mali and the Republic of Côte d'Ivoire, signed at Bamako on 11 November 1964;
- The Convention on Judicial Cooperation between the Republic of Mali and the Republic of Ghana, signed at Bamako on 31 August 1977;
- The General Convention on Cooperation in Judicial Matters between the Republic of Mali and the Republic of Guinea, signed at Bamako on 20 May 1964;
- The General Convention on Cooperation in Judicial Matters between the Republic of Mali and the Islamic Republic of Mauritania, signed at Nouakchott on 25 July 1963;
- The Protocol Amending Article 47 of the General Convention on Cooperation in Judicial Matters between the Republic of Mali and the Islamic Republic of Mauritania, signed on 1 March 2002;

- The General Convention on Judicial Matters between the Republic of Mali and the Republic of the Niger, signed at Niamey on 22 April 1964;
- The General Convention on Cooperation in Judicial Matters between the Republic of Mali and the Republic of Senegal, signed at Dakar on 8 April 1965;
- A convention on cooperation in judicial matters between the Republic of Mali and the Republic of Tunisia, signed at Bamako on 9 March 1965;
- An agreement on cooperation in judicial matters between the Republic of Mali and the French Republic, signed at Bamako on 29 November 1962;
- An agreement on judicial assistance in civil, criminal and family matters between the Republic of Mali and the Russian Federation, signed at Moscow on 31 August 2000.

1.16 Subparagraph 3 (e) of the resolution:

Under article 116 of the Constitution of Mali, treaties or agreements which have been duly ratified or adopted shall take precedence, following their publication, over domestic laws. On that basis, the conventions and protocols relating to counter-terrorism, like other international legal instruments, may be directly applied in Mali.

Notwithstanding this constitutional provision, Mali is currently incorporating into its domestic legislation the 12 universal counter-terrorism conventions that it has ratified, in order to facilitate the application thereof.

1.17 Subparagraph 3 (g) of the resolution:

The Code of Criminal Procedure provides that claims of political motivation shall not be recognized as grounds for refusing requests for the extradition of alleged terrorists. Extradition requests from third States are submitted to the Indictment Division of the Court of Appeal.

Article 244 of the Code of Criminal Procedure provides that "The Indictment Division shall verify that there is no manifest error with respect to the identity of the accused. It shall also verify whether the offence or crime in respect of which the requesting State is seeking extradition constitutes an offence under ordinary law or a political offence; whether the competent foreign court is an ordinary court or a special court; whether the subject of the extradition request is a Malian national; and whether the offence is punishable under Malian law.

The Indictment Division may not, however superficially, consider the merits of the charges or of the conviction for which extradition is sought; to the extent that the charges are detailed by the requesting Government, their existence and criminal nature are presumed relevant to the determination of the case."

1.18 Mali has submitted its report to the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, pursuant to paragraph 6 of resolution 1455 (2003). The report is contained in document S/AC.37/2005/(1455)/12.

The Government of Mali stands ready to submit to the Committee any reports and documents relating to the implementation of resolution 1373 (2001) and of other international instruments relating to counter-terrorism.

2. Assistance and guidance

The Government of Mali remains firmly committed to the international community's fight against terrorism. However, owing to certain constraints, Mali will require assistance to enhance its implementation of the resolution. Such assistance might include, inter alia:

- Border control management;
- Training national officials in counter-terrorism (police, judges, customs officials, officers of the court);
- Drafting anti-terrorist legislation;
- Marking and tracing firearms at border crossings.

Bamako, 30 November 2006



Security Council

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Letter dated 26 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report of Greece submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ellen Margrethe Løj
Chairman

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 22 December 2006 from the Permanent Representative of Greece to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I refer to your letter of 29 July 2005 and have the honour to forward to you the fifth report of the Government of Greece submitted pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

Greece attaches great importance to the implementation of resolution 1373 (2001) of the Security Council, and for this reason it wishes to continue to engage in a constructive dialogue with the Committee.

(Signed) Adamantios Th. Vassilakis
Ambassador
Permanent Representative

Enclosure***Fifth report of Greece pursuant to paragraph 6 of
Security Council resolution 1373 (2001)****Further information on implementation measures****Section 1.1****The entry into force of the draft law on Money Laundering and
Terrorist Financing (page 2, point 1.4)**

The Law on Money Laundering and Terrorist Financing - Law 3424/2005 on the *"amendment, completion and replacement of provisions of Law 2331/1995"* (Official Gazette 173A'), which implements European Council Directive 2001/97/EC on the prevention of the use of the financial system for the purpose of money laundering" entered into force on December 13th 2005 (Government Gazette A 305/13-12-05).

The aforementioned Law has improved and strengthened the regulatory and functional framework of the existing legislation, which governs the prevention and suppression of money laundering and the financing of terrorism. The Law aims at preventing terrorists from accessing funds and using any financial information that may be deemed useful for their purposes.

Article 7 of the said Law provides for the establishment of an Independent 12 member Administrative Authority (F.I.U). The newly-established Authority, not only cooperates with credit and financial institutions, but is also supported by the Public Prosecutor's Office and competent judicial authorities. A member of the Ministry of Public Order participates in the aforementioned authority as a regular member. This member will assist in both the interrogatory process and in providing information which supports its tasks, according to the provisions of its regulatory framework.

It should also be noted that, according to para. 6 of article 40 Law 3251/2004 on *"European arrest warrant, amendment of Law 2928/2001 on criminal organizations"* several acts of supporting and financing terrorist activities are punished as independent crimes in themselves. Thus, Law Enforcement Services, within the context of their responsibilities, carry out investigations of the activities of suspect

* Annexes are on file with the Secretariat and are available for consultation.

individuals or legal entities and organizations, in the financing of terrorism (withdrawal of funds, etc). When required, competent Ministries and Bodies are asked to join and assist in such investigations.

The new law that will be submitted by the Ministry of Justice to the Greek Parliament to include those Decisions and Conventions not covered by the adoption of Law 3251/2004 (page 2, point 1.7 of the update of the fourth report)

The new Law (3424/2005 on Money Laundering and Terrorist Financing), as has been noted above, was submitted to the Greek Parliament and entered into force December 13th 2005. The crime of Terrorist Financing (T.F.) of Law 3251/2004 is included in the predicate offences of Law 3424/2005. Thus, all the provisions and mechanisms of preventing and combating money laundering are also used for countering terrorist financing. Moreover, by virtue of article 7 of Law 3424/2005, the Greek F.I.U. (the Independent National Authority for Combating Money Laundering) is responsible for receiving and communicating to banks and other financial institutions the names of terrorists and terrorist organizations included in the lists of the Sanctions Committees of the UN Security Council, in order to trace funds of these persons and/or entities and freeze such funds.

The Greek Anti-Money Laundering Legislation (Law 2331/1995 as amended by L.3424/2005) stipulates that credit and financial institutions and the Designated Non-Banking Persons (DNBP) report suspicious or unusual transactions to the Greek F.I.U. concerning possible money laundering and terrorist financing activities as they become predicate offences. Lawyers, legal firms, notaries, auditors, accountants, auditing firms, real-estate agents, auction houses, traders in goods of high value (precious stones, metals etc.) and tax advisors are included in the DNBP. As for trust and company service providers, these individuals are in most cases lawyers, notaries and accountants who have already been included in the Group of Designated Non-Banking Process.

Finally, regarding the Decisions and Conventions not covered by the adoption of Law 3251/2004, it should be noted that Framework Decision of 26 June 2001 on *"money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime"* was incorporated into Law 3424/2005. However, the following Decisions and Conventions are still pending parliamentary ratification: Framework Decision of 13 June 2002 on Joint Investigation

Teams; Council Decision of 28 February 2002 establishing Eurojust; the Convention of 29 May 2000 on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union, and the added protocol of 16 October 2001 to the Convention on Mutual Legal Assistance in Criminal Matters between the Member States and the European Union; and Framework-Decision of 22 July 2003 on the execution of orders freezing property or evidence.

The extent to which the 1999 Convention on the Suppression of the Financing of Terrorism has been incorporated into Greek Law

The 1999 Convention on the Suppression of the Financing of Terrorism was ratified and promulgated by Greek Law 3034/2002 on July 19 2002 (Government Gazette A168). The Law has incorporated the entire text of the Convention without any other supplementary provisions.

A Presidential Decree providing for a special police authority equipped with adequate trained personnel that will apply the specific competency (witness protection, etc.)

Article 9, par.2 of Law 2928/2001 *'for the modification of provisions of the Penal Code and Code of Penal Procedure and for the protection of citizens from punishable acts of criminal organizations'*, stipulates that during the penal process, measures for the effective protection of essential witnesses from acts of revenge or intimidation could be taken for acts which involve the establishment or participation in an organization of par. 1 of article 187 of the Penal Code (Criminal Organization) and for other relevant acts. According to article 187a (Criminal Acts) of the Penal Code, the aforementioned witnesses concern persons who aid in revealing criminal activities or of individuals related to these witnesses.

Protective measures refer to the personal protection with appropriately trained security personnel; the testimony with the use of electronic devices and its acoustic and/or visual transmission; the non-disclosure, in the examination report, of the name, birthplace, residence, workplace, profession and age. These measures are put into place following the reasoned order of the relevant Prosecutor of the Court of Misdemeanors. Other measures of protection include the modification of information of identity cards, as well as the posting, transfer or secondment, for an indefinite period, of civil servants (with the possibility of its recall), following the recommendation of the

Prosecutor of the Court of Misdemeanors and the decision of the relevant Minister. The Ministerial Decision may include a provision relating to its non-disclosure in the Government's Official Gazette, as well as other means to safeguard its secrecy.

The aforementioned protective measures are taken following the consent of the witness, and do not restrict his personal freedom beyond that which is necessary for his/her personal safety. The measures can be interrupted upon the written request of the witness or in the absence of cooperation on behalf of the witness for the effective implementation of these protective measures.

Par. 3 of article 39 of the Presidential Decree 48/2005, adds a provision to article 14 of Presidential Decree 1/2001, for the establishment of a Witness Protection Department, responsible for the protection of essential witnesses, at the Sub-division Against Organized Crime of the Security Directorate (of Attica and Thessaloniki).

These Agencies have been staffed with trained and qualified personnel of the Greek Police, and deal exclusively with witness protection as laid out in the aforementioned provisions.

A description of the activities of the "Security Organization" tasked with certifying Greek ports according to the ISPS Code

The task of the Security Organizations consists of conducting evaluations of the safety of port facilities and not of certifying these facilities.

To date, 14 such Security Organizations have been authorized to perform evaluations and have subsequently prepared evaluation reports for 19 public port facilities and 81 private ones, all of which have been approved by the Security Division of the Ministry of Mercantile Marine.

Progress on those nine facilities not meeting the ISPS code criteria (page 7 of the update of the fourth report)

Following a re-examination of the evaluations of the security of the 9 private port facilities, all 9 facilities have been approved. Currently, there are 2 new security evaluation reports which await approval and concern private port facilities.

Evaluation reports and security designs for the following public ports have been submitted and approved: Piraeus, Alexandroupoli,

Eleusis, Kavala, Herakleion, Corfu, and Igoumenitsa. Evaluation reports and security designs which are still pending concern the ports of Thessaloniki, Volos, and Patra, whereas an evaluation report and security design for the port of Laurio have both been submitted and awaits approval.



Security Council

Distr.: General
28 December 2006

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Report of the Secretary-General concerning the credentials of the alternate representative of China on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 27 December 2006 from the Permanent Representative of China to the United Nations stating that Du Xiaocong has been appointed alternate representative of China on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.



**Security Council**

Distr.: General
28 December 2006

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Monthly report of the Secretary-General on Darfur**I. Introduction**

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005). It covers the period from 1 October to 10 December 2006.

II. Insecurity in Darfur

2. During the reporting period, the security situation in Darfur remained extremely volatile with both the Government and non-signatories of the Darfur Peace Agreement continuing their relentless pursuit of a military solution to the crisis in disregard of that Agreement and the N'Djamena Humanitarian Ceasefire Agreement. The situation was complicated by continued tensions within and among the belligerent rebel factions, and also aggravated by tribal conflicts, particularly in Southern Darfur. Clashes were reported among groups supporting the Darfur Peace Agreement in both Northern and Southern Darfur. Meanwhile, Chadian armed opposition groups based in Darfur resumed attacks deep inside Chadian territory. There were also reports of Darfur rebel groups receiving weapons from within Chad. Throughout the region, militia attacks on civilians increased, while attacks on humanitarian workers and African Union (AU) personnel dramatically reduced humanitarian access to populations trapped by the conflict.

3. Military confrontations between the Government of the Sudan (GoS) and non-signatories of the Darfur Peace Agreement reached new heights in October and November, and spread to areas outside Northern Darfur. On 3 October, Janjaweed militias supported by Sudanese Armed Forces (SAF) helicopters attacked positions of the Group of 19 (G19)/National Redemption Front (NRF) in Malagat, Northern Darfur. In retaliation, NRF attacked an SAF post in Karyare, close to the Chadian border, on 5 October. The combined rebel forces reportedly took control of Karyare on 7 October, with SAF suffering a large number of casualties. Government aircraft subsequently bombed the rebel-held town. NRF claimed to have seized dozens of vehicles and captured hundreds of SAF soldiers in the battle. Twelve seriously wounded SAF soldiers were evacuated to El Fasher, while 77 injured soldiers and rebels arrived at a hospital in Bahia, Chad.



4. On 12 and 13 October, SAF attacked rebel positions in Kulbus, Western Darfur. My Special Representative visited Northern Darfur from 16 to 18 October and appealed to G19 and NRF commanders to cease attacks, citing the holy month of Ramadan as an opportunity to halt the spiralling violence. He obtained verbal pledges from the rebel commanders that they would act only in self-defence. SAF continued its attacks, with an aerial bombardment of suspected NRF hideouts north of Kulbus on 17 October. As security deteriorated, 18 humanitarian staff were evacuated from Kulbus to El Geneina. On 18 October, the Government bombed areas east of Birmaza in Northern Darfur.

5. While the signatories of the Darfur Peace Agreement respected the ceasefire towards each other in October, tensions between the parties escalated and minor incidents were reported, reflecting the fragility of their alliance and lack of discipline among their forces. On 10 October, the Minawi faction of the Sudan Liberation Movement (SLM) and Government soldiers engaged in a firefight in El Fasher, causing at least three civilian casualties. The following day, Government soldiers attempted to raid a house occupied by SLM-Minawi soldiers in El Fasher. A series of security incidents was also reported in Nyala, between SLM-Minawi soldiers and Government security forces.

6. Fighting among rebel groups and tribal tensions in areas controlled by parties supporting the Darfur Peace Agreement further hampered implementation of the fragile peace agreement. During the reporting period, clashes resumed between SLM-Minawi and the breakaway faction of that rebel group, SLM-Free Will, in Muhajirya, Southern Darfur, when SLM-Minawi repulsed an attack by approximately 300 SLM-Free Will forces on 23 October. Meanwhile, tensions further increased in Gereida, Southern Darfur, between the Zaghawa-dominated SLM-Minawi and the local Massalit population, which formerly supported SLM-Minawi. Following the 28 September attack on the SLM-Minawi headquarters near the town, members of the Massalit tribe in Gereida revolted against the SLM-Minawi forces, protesting the recent increase in attacks on civilians. During his visit to the area from 3 to 5 October, my Special Representative was told that lack of discipline in the SLM-Minawi forces had resulted in the increase of banditry in the area. On 9 and 10 October, shooting incidents were reported near Gereida, leaving one person dead and others wounded. As a result of this insecurity in Gereida, the Department of Safety and Security relocated seven United Nations staff members and 70 from international non-governmental organizations from Gereida to Nyala.

7. Also in October, armed militias continued to attack civilians with impunity. On 8 and 11 October, armed elements on camels and vehicles burned down several villages near the Shadad camp for internally displaced persons, 70 kilometres south of El Fasher. When the villagers tried to escape to the camp, the militia opened fire on them. The militia members reportedly used the farms of the displaced villagers to graze their animals.

8. On 29 October, several hundred Arab militia members, wearing military uniforms and armed with machine guns and rocket-propelled grenades, attacked the villages of Gebasesh, Hijlija, Siberia and Goze Mino in Western Darfur. The attackers looted livestock and killed at least 52 people, including many children and elderly people. Rebels from SLM and the Justice and Equality Movement (JEM)

later engaged the attackers, allegedly killing 21 militia members. Government forces from a nearby SAF post did not intervene to stop the attack.

9. Banditry continued unabated in Darfur over the reporting period. On 8 October, bandits on horses and camels ambushed two commercial buses, near Kass, Southern Darfur, killing the drivers and seriously injuring two passengers. On 9 October, three men ambushed a truck on the Nyala-Kubum road. The attackers killed the driver and injured two others. On 11 October, SLM Abdul Shafi rebels reportedly robbed the drivers of three commercial trucks 100 kilometres west of Tawila.

10. Hijacking and armed robbery of humanitarian vehicles has continued. On 2 October, five armed men ambushed two vehicles belonging to non-governmental organizations, 11 kilometres south of Nyala. While the second vehicle managed to escape, the attackers beat the driver of the first vehicle and stole his money. On 11 October, two vehicles belonging to non-governmental organizations were stopped by eight militia members at Goussa Shark, 35 kilometres north of Nyala. The attackers stole money, a satellite phone and other valuables. In the same period, four aid workers were attacked between Zalingei and Nertiti by a dozen armed men who beat them and threatened to kill them. The perpetrators sexually harassed one female staff member. On 15 October, five men stole a vehicle belonging to a non-governmental organization and a satellite phone at the Dorti camp for internally displaced persons.

11. During the reporting period, AU forces continued to face harassment and movement restriction by rebel groups. On 4 October, 140 SLM-Minawi troops held an African Union Mission in the Sudan (AMIS) patrol hostage in Thabit for two hours for escorting representatives of SLM-Abdul Shafi through controlled areas by SLM-Minawi. The patrol was allowed to proceed to Zam Zam after the SLM-Abdul Shafi representatives surrendered five satellite phones. On 16 October, two SLM-Minawi commanders and the traditional chief (*Umda*) of Labado demanded that AMIS vacate its team site in Labado, Southern Darfur, within 24 hours, accusing AMIS of being partial. AMIS returned the following day after the SLM commanders apologized.

12. In a more recent and particularly alarming development, there were serious clashes between Janjaweed forces and the Minni Minawi faction of SLA in El Fasher on 4 December. As a result, some 135 non-essential United Nations staff were relocated to Khartoum the following day. Both AMIS and the United Nations Mission in the Sudan (UNMIS) were put on high security alert during and immediately after the clashes.

13. The situation in Western Darfur has deteriorated considerably over the past month, with increased banditry and ambushes on the roads especially to the north of El Geneina along the Chad-Sudan border. Three cars were hijacked in November, two within El Geneina itself, where a curfew was imposed. On 9 December, a group of 30 heavily armed men attacked a commercial truck carrying medical and non-food items between Kondobe and Sirba: 22 people died and several others were injured. In protest, the local community held in Sirba the helicopter sent by AMIS to investigate the incident.

III. Regional issues

14. The reporting period saw a grave deterioration in bilateral relations between Chad and the Sudan, marked by the attack on an SAF post in Karyare mentioned in paragraph 3 above and a new offensive against the Government of Chad by Chadian armed opposition groups based in Darfur.

15. On 22 and 23 October, a recently formed Chadian rebel group, the Union of Forces for Democracy and Development (UFDD), presumably based in Darfur, briefly captured the towns of Goz Beida and Am Timam before retreating to positions outside the towns. The Chadian National Armed Forces (FANT) pursued the rebels, which provoked additional violent clashes on 29 October in Chad close to the Sudanese border. Both sides reportedly suffered high casualties, including the death of the FANT Deputy Chief of Staff. Chad also accused the Sudanese air force of bombing the towns of Bahai, Tine, Karyare and Bamina along its eastern frontier, an accusation denied by the Government of the Sudan.

16. In a further escalation of violence, UFDD attacked and took control of the town of Abéché, situated approximately 900 kilometres east of N'Djamena, on 25 November. According to the UFDD leader, former Defense Minister Mahamat Nouri, 22 rebels and 140 Government soldiers were killed in the battle. The Government of Chad retook the town of Abéché after a day of fighting. In response to the situation, the Government of Chad extended a state of emergency in N'Djamena and several areas in the east for an additional six months.

17. As Abéché serves as the base for dozens of relief organizations, the recent event considerably undermined the delivery of aid to populations in need. The number of Sudanese refugees in Chad has grown to more than 234,000. There are also 47,000 refugees from the Central African Republic and 90,000 internally displaced persons. Already, the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) have reported that about \$1.5 million worth of aid intended for refugees was looted in Abéché during the events of 25 and 26 November.

18. On many occasions, Chadian rebel groups were reported to have crossed the border with the Sudan. The Government of Chad is said to have strengthened its security presence around the capital, as rebel spokesmen continue to threaten future attacks.

19. In another worrying development, the Central African Republic accused the Sudan of supporting rebels in the country after a small group called the Union of Rallied Forces captured the town of Birao, near the border with Chad and the Sudan. The Sudan rejected the accusation. Chad reportedly said it was sending troops to the Central African Republic to help fight rebels.

IV. Human rights and protection

20. Persistent high levels of insecurity, particularly in Southern Darfur, continued to force substantial numbers of civilians to flee their villages and leave their cultivated farmlands. The additional military presence in towns increased the threat of abuse of the civilian population by armed groups. Attacks in and around camps for internally displaced persons continued, and violence against women and girls

remained a concern. Overall, courts in Darfur have made little progress in addressing the abuses.

21. Fighting among rebels and tribal clashes in Muhajiriya and Gereida, Southern Darfur, displaced large numbers of civilians. Up to 10,000 internally displaced persons abandoned their camps in and around Muhajiriya to seek refuge near the AMIS group site. While many later returned, renewed tensions on 23 October again forced approximately 2,000 persons to seek refuge near the African Union mission. Five combatants and one civilian were killed during the clashes and more than 150 houses were burned down. Gereida now has the largest concentration of internally displaced persons in the region, numbering more than 120,000. Thousands of other displaced are scattered in the bush, where humanitarian access is extremely limited.

22. As fighting intensifies in Darfur, civilians invariably bear the brunt of the conflict. In Northern Darfur, ongoing military clashes between NRF and SAF and aerial bombardments continue to affect the rural population. The extent of civilian casualties is largely unknown, owing to lack of access for security reasons. As populations flee to inaccessible areas, they become increasingly vulnerable.

23. Reports of violence in and around internally displaced persons camps persisted in October. On the night of 4 October, two internally displaced persons were killed in Kalma camp by a group of 10 to 15 armed men. On the same day, suspected Falata tribesmen attacked 12 internally displaced persons collecting firewood near Yasin camp, Southern Darfur. The attackers abducted one of the internally displaced persons and took away livestock. On 14 October, a displaced male was killed by militia members outside Abararas camp, Southern Darfur.

24. In Gereida, civilians who were previously attacked by pro-Government militias are now subjected to both militia and rebel attacks. Fatalities, injuries and dozens of new cases of severe abuse of civilians by SLM-Minawi combatants have been reported in October, including abduction, rape, harassment and torture. There has also been an upsurge in the number of cases of gender-based violence. Of additional concern are reports that SLM-Minawi is preventing women from reporting incidents of sexual violence to AMIS.

25. An increasing number of rapes has been recorded in five internally displaced persons camps in Western Darfur and in the Abu Shouk and Al-Salaam camps, Northern Darfur, while violence targeting women and girls was reported in Kebkabiya and Kutum. As cases of sexual and gender-based violence persist, courts in Darfur continue to move slowly in prosecuting them. In addition, there is a recurring failure of defendants and key witnesses to appear before the court, particularly with respect to cases against Government actors. In Western Darfur, two rape trials were adjourned by the Geneina General Court on 1 and 2 October owing to the repeated non-appearance of the defendants, including a People's Defence Forces member and an ISAF soldier. The head of the Geneina local police, who was required to present evidence, was also absent from the 1 October hearing. According to the judge, the court has unsuccessfully requested the presence of this police official for over a year.

26. Government authorities continue to restrict the free movement and activities of United Nations staff, in breach of the Government's obligations under the status-of-forces agreement. On 15 October, national security authorities prevented two United Nations staff members from boarding a United Nations flight to Nyala on the

grounds that they required "permits" from the Government's humanitarian assistance coordination office. In Western Darfur, contrary to the status-of-forces agreement, the coordination office is now demanding that all United Nations personnel, with the exception of UNMIS personnel, carry travel permits. Meanwhile, the Governor of Northern Darfur continues to assert that he "has not received orders" from Khartoum to apply the status-of-forces agreement, and as such will only issue travel permits in line with past agreements.

V. Humanitarian situation

27. Although humanitarian operations in Darfur continue to be seriously hampered by security incidents and access restrictions, gains continue to be made in all life-saving sectors, as shown in the September 2006 food security and nutrition survey. The survey indicated stable malnutrition and mortality rates with respect to the previous year. Additional financial resources, however, will be required in the coming months to maintain the current levels of assistance.

28. The shifting of front lines, the further fragmentation of armed groups and their unclear chain of command further complicate safe humanitarian access to many of the 3.8 million people now affected by conflict in Darfur. Moreover, frequent banditry makes road travel increasingly hazardous for humanitarian workers. The United Nations regularly assesses the local security situations and attempts to secure routes and negotiate safe passage for aid convoys, while advocating for the respect of humanitarian principles. These efforts, however, are becoming ever more difficult.

29. Despite manifold constraints, the humanitarian community has been able to implement the bulk of its programmes and safeguard humanitarian standards. In September, WFP and its partners distributed food to almost three million people, although 195,000 people could not be reached as a result of fighting and road banditry in Northern Darfur. The United Nations Children's Fund (UNICEF), WFP and the Food and Agriculture Organization of the United Nations (FAO) successfully completed their annual Darfur emergency food security and nutrition survey in September (see para. 27 above). Preliminary results show that overall malnutrition rates remained statistically unvaried and below the emergency threshold, with global acute malnutrition at 13.1 per cent and severe acute malnutrition at 2 per cent. The situation in Northern Darfur remains problematic, however, with global acute malnutrition at 16 per cent, which is above the emergency threshold of 15 per cent. Mortality rates dropped from 0.48 per 10,000 per day in 2005 to 0.36 in 2006. Food aid will remain necessary in 2007 as 70 per cent of the conflict-affected population is still considered food insecure. Only 51 per cent of the surveyed households have cultivated land this year, the same proportion as in 2005. The success of the harvests and the ability to monitor them will depend on the prevailing levels of insecurity during the coming months.

30. In Western Darfur, an outbreak of acute watery diarrhoea, was abated by various preventive measures such as chlorination of water points and accelerated distribution of soap and hygiene education. During the rainy season, activities to control the outbreak of vector-borne diseases such as malaria and yellow fever have also been stepped up.

31. In response to the influx of tens of thousands of new internally displaced persons in several camps, the humanitarian community has extended water and sanitation services, upgraded health services and increased food distributions. Overall, 73.3 per cent of affected populations in Darfur now have access to safe water, up from 62.5 per cent last year. Insecurity and road conditions have somewhat delayed the distribution of non-food items, but commercial trucks have been able to supply shelter and other materials to the most needy groups in internally displaced persons camps, schools, clinics and orphanages.

32. Over the last two months, Sudanese authorities have been increasingly limiting humanitarian space in Darfur. The national security service prevented three non-governmental organizations from working in Southern Darfur. The Norwegian Refugee Council (NRC) received two letters from the Government of the Sudan expelling the organization from Darfur and requiring it to hand over all material assets to the Government prior to its departure. While the international community has objected to the confiscation of humanitarian property by the Government, NRC has declared that it will withdraw from Darfur. Humanitarian agencies are scrambling to fill the massive void left by the organization's expulsion.

VI. Implementation of the Darfur Peace Agreement

33. The implementation of the Darfur Peace Agreement virtually stalled during October and November. While efforts to broaden the support base of the Agreement continued, they were overshadowed by continued fighting on the ground. Some progress has been made in preparing the Darfur-Darfur Dialogue and Consultation and improving the efficiency of the Ceasefire Commission. Power- and wealth-sharing commitments, however, remained largely unaddressed.

34. A number of initiatives, both by Sudanese and international actors, were undertaken to broaden the support base of the Darfur Peace Agreement. However, efforts are hampered by the increased fragmentation of rebel groups, slow implementation of the Agreement and lack of coordination. There were indications that both parties to the Agreement could accommodate some of the demands of the non-signatories.

35. October and November also saw very limited progress in the implementation of the security protocol of the Darfur Peace Agreement. On 17 October, SAF, SLM-Minawi and JEM-Wing for Peace submitted to the Ceasefire Commission information on territorial positions they claimed. The AMIS Force Commander stated that positions would be verified and compared to those given in May during the Abuja negotiations. The Force Commander rejected the Government's demand that non-signatories be removed from AMIS premises, stating that the door of dialogue must remain open. The Government's plan to disarm the Janjaweed has been referred to the Joint Commission with comments from the Ceasefire Commission. However, the next Joint Commission meeting has yet to be scheduled.

36. There was virtually no progress on power-sharing in October. The President of the Sudan issued decrees establishing four pursuant to the Darfur Peace Agreement institutions: the Transitional Darfur Regional Authority, the Technical Ad Hoc Border Commission, the Darfur Rehabilitation and Resettlement Commission and the Compensation Commission. However, SLM-Minawi claimed that the decrees

were inconsistent with certain aspects of the Agreement and sent them back to the Presidency for revision.

37. On wealth-sharing, the Darfur Joint Assessment Mission concluded the current stage of its work with a consolidation of the technical teams' field work. The mission cannot be completed at this stage because of insecurity in Darfur and the refusal of major Darfurian groups to join the Darfur Peace Agreement.

38. The hosting by SLM-Minawi on 16 October of a day-long forum in Khartoum in anticipation of the Darfur-Darfur Dialogue and Consultation was seen as a positive development. The forum, attended by a broad cross-section of approximately 500 Darfurians as well as SLM-Free Will and senior representatives of the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) represents the first significant effort by the Darfur Peace Agreement signatories to jointly reach out to civil society. Discussions were frank, demonstrating the potential for the Dialogue and Consultation to catalyse stakeholders to take forward a sustainable peace process.

39. During the last week of November, Salim Ahmed Salim, Special Envoy of the AU Commission Chairperson, met Sudanese officials as well as non-signatories to the Darfur Peace Agreement to broaden support for the peace process in Darfur. Subsequently, the officer in charge of UNMIS and Mr. Salim held bilateral consultations on steps to be taken to reinvigorate the political process under a joint AU/United Nations umbrella and agreed to form a working-level team to prepare for the resumption of talks early in January 2007. The team has also been mandated to consult with Darfur Peace Agreement signatories, non-signatories and other local actors and to stress the importance of an immediate cessation of hostilities, the need for a commitment to a ceasefire and the mechanisms created by the Darfur Peace Agreement and the need to complement the new political talks with a credible Darfur-Darfur Dialogue and Consultation.

VII. United Nations support to the African Union Mission in the Sudan

40. The United Nations and the African Union have agreed on a package of immediate United Nations support to AMIS. This "light support package" includes logistical and material support, 105 military staff officers, 33 police advisers and 48 civilians to assist AMIS in the areas of mine action, public information and support for Darfur Peace Agreement implementation. The support package is intended to immediately enhance the operations of AMIS through a proactive advisory role by United Nations staff. On 3 October, President Bashir expressed his support for the assistance package. In October, only nine United Nations police advisers and nine military staff officers could be deployed to Darfur, in the light of the Government's restriction on United Nations military and police personnel travelling to Darfur while wearing blue berets.

41. UNMIS has acquired land and has started to move equipment to El Fasher. Delivery of the full package was further delayed in November by the Government's initial insistence that a "protocol" on United Nations assistance to AMIS be negotiated. However, during a meeting with the Assistant Secretary-General for Peacekeeping Operations on 12 November, President Bashir agreed that the current

status-of-forces agreement is sufficient, and that a tripartite AU-United Nations-Government of the Sudan mechanism be created to facilitate the implementation of United Nations support for AMIS.

42. In a further positive development, a memorandum of understanding on United Nations support to AMIS was signed in Addis Ababa on 25 November by the AU Commissioner for Peace and Security, and the Officer in Charge of UNMIS.

43. Consultations on the longer-term "heavy" United Nations support package for AMIS, which includes substantial air assets, significant military and police advisory capacity, civilian support for the implementation of the Darfur Peace Agreement and a range of United Nations enabling capabilities, were conducted during the first week of December in Addis Ababa. The United Nations and the African Union jointly identified the contents of the proposed package, which is being shared with the Government of the Sudan. In the light of the dramatic situation on the ground, it is my intention to proceed with the implementation of both support packages without delay.

44. On 16 November, I co-chaired a high-level meeting in Addis Ababa with the Chairperson of the AU Commission, Alpha Oumar Konaré. This meeting, which was attended by the Government of the Sudan, several United Nations Member States, the European Union, the League of Arab States and a number of African countries who currently provide troops to AMIS, had the objective of identifying concrete steps to be taken to improve the current situation, notably to re-energize the peace process, establish a strengthened ceasefire and delineate the way forward for peacekeeping in Darfur.

45. With regard to the political process, the meeting produced an understanding that only a negotiated settlement, and not a military solution, could bring the conflict to an end. The meeting also agreed that the existing Darfur Peace Agreement would remain at the heart of any settlement, but would have to be made more inclusive, and that the Darfur-Darfur Dialogue and Consultation had a key role to play in complementing the Darfur Peace Agreement.

46. The Addis Ababa consultation also concluded that various efforts to bring non-signatories on board had to be brought under one umbrella, and that the African Union and the United Nations — calling on international partners for support whenever appropriate — were best positioned to lead the process. On that basis, it was agreed that, as a next step, the African Union and the United Nations would soon convene a meeting of non-signatories, the Minawi faction of SLM and the Government to address and resolve outstanding issues by the end of the year.

47. The discussions in Addis Ababa confirmed the critical importance of an agreement by all parties to cease hostilities immediately and welcomed the recent decision to empower the AMIS Force Commander to create direct links with non-signatories, which will give him greater scope to move the parties away from violence and towards negotiations.

48. Some progress was also made, at least on paper, on the way forward for peacekeeping in Darfur. Using a non-paper I had circulated before the meeting as the starting point for our discussions, a number of basic principles were clarified, starting with the essential requirement for a logistically and financially sustainable force, which would be able to contribute to the restoration of security and protection

of civilians in Darfur through the implementation of security aspects of the Darfur Peace Agreement.

49. With regard to the financing, I expressed my willingness to propose to the appropriate bodies that the United Nations provide all required funding for peacekeeping in Darfur. However, I qualified this proposal, noting that it was unlikely to receive support unless the United Nations were also put in a position to provide some form of management support and accountability mechanisms for the operation.

50. The meeting in Addis Ababa also confirmed the hope that a peacekeeping force in Darfur could be predominantly African in nature, with troops, as far as possible, sourced from the continent. To complement those troops, the meeting confirmed that the United Nations would provide backstopping and command and control structures for an expanded peacekeeping presence in Darfur. I explained to the meeting that this provision would be indispensable for the troop and police contributors which the United Nations would probably approach to provide the necessary specialist support and enabling functions, since these contributors would provide personnel and assets on the basis of the United Nations having in place standard support structures and mechanisms and clear command and control arrangements. There was also agreement that the regional security situation would have to be taken into account.

51. In addition to these basic principles, the meeting took a number of decisions with regard to the material steps to be taken to strengthen AMIS in Darfur. The meeting concluded that the United Nations would continue to implement the previously agreed "light support package" for AMIS in collaboration with the African Union and in full cooperation with the Government of the Sudan; that the "heavy support package", or phase two, would be taken forward and that the existing tripartite (United Nations-AU-Government of the Sudan) mechanism established to take forward the light package would also facilitate implementation of the heavy package; that an AU-United Nations hybrid operation would subsequently be established, led by a Special Representative and commanded by a Force Commander who would both be jointly appointed by the United Nations and the African Union; and finally, that I should, as previously mentioned, propose to the appropriate bodies that the United Nations provide all required funding for peacekeeping in Darfur.

52. The hybrid operation discussed in Addis would, in principle, reflect the recommendations I made in my report of 28 July to the Council on peacekeeping in Darfur (S/2006/591). That is, it would be comprised of up to 17,000 troops and 3,000 civilian police, as well as formed police units, whose numbers will be determined at a later date.

53. The conclusions of the 16 November high-level consultations call for a stronger, more capable, better financed peacekeeping operation, benefiting from the best of AMIS and also the experience and resources of the United Nations. The added value could include both funding and the identification and deployment of capabilities and troops which may not be available among AU member States; unified AU-United Nations leadership; and also the day-to-day backstopping, support and guidance from the Department of Peacekeeping Operations.

54. However, as the discussion in Addis Ababa took place, the Foreign Minister of the Sudan stated that his Government would consult internally on two elements of the plan for the way forward regarding peacekeeping in Darfur, namely the troop ceiling and the joint appointment of the Special Representative and the Force Commander, and that the Government would shortly revert to me with its views.

55. Subsequently, on 30 November, the AU Peace and Security Council convened a meeting at the level of Heads of State and Government, and endorsed the conclusions of the 16 November meeting.

56. During the open segment of the Peace and Security Council meeting, the Government of the Sudan distributed a document entitled "Position of the Government of Sudan regarding outstanding issues raised during the consultative meeting in Addis Ababa on the third phase". This paper expressed the following views of the Government with respect to the outstanding matters arising from the 16 November meeting in Addis Ababa.

57. With regard to the senior leadership of a hybrid operation, the Government asserted that the "Special Envoy" would be jointly appointed by the African Union and the United Nations, and would be "an African acceptable to the Government of the Sudan". During the meeting, President Bashir supplemented this position by insisting that the Force Commander of a hybrid operation would be appointed by the African Union only.

58. With respect to command and control, the Sudanese document took the position that these command and control were the sole responsibility of the African Union, although command could be enhanced by "applying United Nations systems and structures as well as United Nations advisers", provided that their ranks were junior to those of African commanders.

59. On the size of the force, the Sudanese paper referred this issue to the tripartite mechanism established to facilitate implementation of the first two phases.

60. Finally, the Sudanese document proposed that non-signatories be given a time frame to sign on to the Abuja agreement, after which they would be subject to sanctions imposed by the African Union and the United Nations.

61. These proposals broadly echoed a 28 November letter which President Bashir had sent me on these same subjects.

62. Having considered the Sudanese paper, and the remarks of the Government of the Sudan, the United Nations and the League of Arab States, which had participated as observers during the initial portion of the meeting, the Peace and Security Council issued its communiqué of 30 November. The communiqué endorsed the conclusions of the 16 November high-level consultations and, with respect to the hybrid operation, reflected the Peace and Security Council decisions that:

- The Special Representative shall be jointly appointed by the Chairperson of the AU Commission and the Secretary-General
- The Force Commander of a hybrid operation, who should be an African, shall be appointed by the Chairperson of the AU Commission in consultation with the Secretary-General
- The hybrid mission shall benefit from United Nations backstopping and command and control structures and systems

- The size of the force for the hybrid operation shall be determined by the African Union and the United Nations, on the basis of factors on the ground and requirements for effectively discharging its mandate.

63. The Peace and Security Council also decided to extend the mandate of AMIS, which expires on 31 December 2006, for six months, subject to review by the Council and the availability of financial resources.

64. The Peace and Security Council appealed to the United Nations to "consider providing logistical and financial support to the Mission, as envisaged in the conclusions of the Addis Ababa consultation". In the meantime, the Council appealed to partners of the African Union to provide required logistical and financial support to AMIS.

65. On 3 December, the Council of Ministers of the Sudan, under the chairmanship of President Bashir, endorsed the Peace and Security Council communiqué of 30 November. I welcome the communiqué of 30 November and the commitment to implementing the Addis Ababa conclusions. The Secretariat has started to work intensively with UNMIS and the African Union in order to turn the results of Addis Ababa and Abuja into concrete results. The United Nations and the African Union have identified their respective participation in the tripartite mechanism; UNMIS and the African Union are in ongoing dialogue on the work of the preparatory committee for the Darfur-Darfur Dialogue and Consultation; and United Nations and AU teams are at this moment working together in Addis Ababa to finalize the heavy support package. The time has come, however, for the Government of the Sudan to remove all restrictions, both operational and political, imposed on the implementation of the two packages, and allow it to be delivered without delay.

VIII. Observations

66. Another two months have passed without bringing a breakthrough to the crisis in Darfur. The tragedy in this beleaguered region has been raging for three years now, and still the population remains subject to attacks, villages continue to be destroyed, killings, human rights abuses and brutality are perpetrated against innocent people and impunity is rampant. The conflict is increasingly spreading over the Sudanese borders, threatening to engulf the whole region in war. It is urgent that we take action to prevent further violations, including by bringing to account those responsible for the massive human rights abuses that have already been committed. It is essential that the Security Council send a clear and united message to warn all concerned that the current situation is unacceptable and will not be allowed to continue.

67. In addition, and as Council members are aware, in a letter dated 22 October 2006, the Government of the Sudan declared terminated the mission of my Special Representative in the Sudan. I deeply regret this decision, which has further complicated the search for expeditious solutions to the Darfur crisis.

68. Efforts to consolidate the support base for the Darfur Peace Agreement can only succeed if they are coordinated, inclusive and transparent. The main stumbling block, however, remains the belief of both the Government and the non-signatories of the Darfur Peace Agreement that they can alter the situation militarily. As my Special Representative told the Security Council on 27 October, recent clashes

indicate that the Government of the Sudan continues to support a military solution to the conflict. I deplore the Government's use of aerial bombardments that fail to distinguish civilians from combatants, in breach of Security Council resolution 1591 (2005) and international humanitarian law.

69. The continued rejection, made under claims of sovereignty, of the deployment of United Nations troops in support of the AMIS operation results in the perpetuation of the attacks and abuses, which can no longer be tolerated. The time has come to lift all impediments, operational and legal, for United Nations assistance to the African Union, and to reaffirm the public declaration to cooperate with the African Union and the United Nations. We all should be guided by the sense of urgency this issue requires.

70. The most recent spate of violence and the persistent attacks on innocent civilians by armed militias are of particular concern. On 8 October, the United Nations High Commissioner for Human Rights issued a report detailing brutal militia attacks on civilians in Buram in late August and early September. The High Commissioner called for an investigation into the attacks. I support this recommendation, and likewise encourage the Government to establish an independent national inquiry and bring to justice those responsible. Accountability of the perpetrators is a key step in bringing an end to such attacks.

71. I strongly urge all warring parties to immediately refrain from using violence against civilians, to respect humanitarian principles and to allow humanitarian actors to provide the much-needed assistance without hindrance. All parties should guarantee safe passage for relief workers and lift all operational restrictions. The Sudanese authorities should also extend the Darfur moratorium for a further 12 months when it expires in January 2007. This is a critical step for humanitarian organizations to be able to carry out their life-preserving work.

72. Donor support has been crucial to humanitarian efforts in Darfur. Not only have donors' contributions enabled the continuation of programmes in all life-saving sectors, they have also allowed the resumption of some activities such as the food-for-education programme. It is my hope that such financial support can be ensured in the coming year not only to sustain the current level of assistance but also to allow for contingency planning in case the situation worsens.

73. I deeply regret that the upsurge in violence along the Chad-Sudan border has reversed the diplomatic progress the Sudan and Chad had achieved through the signing of the 26 July agreement in Tripoli. The Governments of the Sudan and Chad should refrain from any action that might have a destabilizing impact on the region and return to political dialogue.

74. In the meantime, progress, however limited, has been made on the Ceasefire Commission under the leadership of the African Union. The United Nations will do everything possible to assist the AMIS leadership by supporting its efforts to make the ceasefire regime more effective through inclusiveness, credible investigations, accountability and implementation of the key security provisions of the Darfur Peace Agreement, by enhancing the capacities of AMIS through the support package, and by participating in the Ceasefire Commission and the Joint Commission. I encourage AMIS to convene a meeting of the Joint Commission at the earliest opportunity and look forward to its outcome. In the meantime, AMIS

should continue to enjoy the financial, logistical and political support of the international community.

75. It is of critical importance to capitalize on the Abuja meeting of 30 November. I intend to reiterate to President Bashir the commitment of the United Nations to implementing, without further delay, the steps agreed to at the high-level meeting in Addis Ababa on 16 November and later confirmed by the AU Peace and Security Council at its 30 November meeting. Given the recent alarming deterioration of the security situation in Darfur, the first priority must be to establish a ceasefire and to give impetus to the political process. These are critical conditions for any meaningful peacekeeping work.

76. The time has come to turn declarations into actions in order to achieve progress towards our crucial goal: bringing an end to the violence in Darfur, and restoring to its people the right to live a normal life, free of fear, with hope for a better future.

**Security Council**

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28 December 2006

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**Letter dated 28 December 2006 from the Secretary-General
to the President of the Security Council**

Pursuant to paragraph 7 of Security Council resolution 1725 (2006), I hereby submit my first report to the Security Council on the implementation of the mandate of a Peacekeeping Mission of the Intergovernmental Authority on Development in Somalia (IGASOM). As you will recall, the above-mentioned resolution requested me to report, in consultation with the Commission of the African Union (AU) and the secretariat of the Intergovernmental Authority on Development (IGAD), to the Council on the implementation of the IGASOM mandate within 30 days, and every 60 days thereafter.

To that end, Under-Secretary-General for Political Affairs Ibrahim Gambari wrote to the Chairman of the AU Commission, Alpha Oumar Konaré, and the Executive Secretary of IGAD, Attala Bashir, on 14 December 2006 to draw their attention to the reporting obligation specified in resolution 1725 (2006). Mr. Gambari requested the two organizations to provide my Special Representative for Somalia, François Lonseny Fall, with all relevant information on the implementation of the IGASOM mandate as soon as possible to enable him to put together the elements of the reports requested by the Council, in accordance with the time frame set out in paragraph 7 of the resolution.

Pending receipt of the requested information from the AU Commission and the IGAD secretariat, my Special Representative has been consulting informally with officials from both organizations on the issue of the implementation of the IGASOM mandate. From those consultations, it appears that, while Uganda and the Sudan had initially indicated their willingness to provide the first two battalions for IGASOM, the Sudan has recently voiced its opposition to the intervention of foreign troops in Somalia, while Uganda has expressed reluctance to deploy its troops in Somalia in the absence of a secure environment. From the information currently at our disposal, no other troop-contributing countries for IGASOM have been identified at this point. We also have no information at this stage on whether the necessary financial resources and logistical support have been secured for the deployment of IGASOM.

My Special Representative intends to make further contacts with AU and IGAD in order to provide the Council with all relevant information on the implementation of the IGASOM mandate in accordance with resolution 1725 (2006). I invite the AU Commission and the IGAD secretariat to provide him with their fullest cooperation in this regard.

(Signed) Kofi A. Annan





Security Council

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28 December 2006

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**Letter dated 28 December 2006 from the Chairman of the
Security Council Committee established pursuant to resolution
1132 (1997) concerning Sierra Leone addressed to the President
of the Security Council**

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, containing an account of the Committee's activities for 2006. The report is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Augustine P. Mahiga
Chairman

Security Council Committee established pursuant
to resolution 1132 (1997) concerning Sierra Leone



Annex**Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone****I. Introduction**

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) of 8 October 1997 concerning Sierra Leone covers the period from 1 January to 31 December 2006.
2. For 2006, the Bureau consisted of Augustine P. Mahiga (United Republic of Tanzania) as Chairperson, with the delegations of Argentina and Congo providing the Vice-Chairpersons. During the reporting period, the Committee held one session of informal consultations.

II. Background information and summary of the work of the Committee**A. Background information**

3. By its resolution 1132 (1997), the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel as well as petroleum and petroleum products. By the same resolution, the Council also imposed travel restrictions on members of the military junta and adult members of their families, and decided to establish a Committee to oversee the implementation of the measures.
4. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo. By its resolution 1171 (1998) of 5 June 1998, the Council confirmed the removal of sanctions on the Government and reimposed the arms embargo on non-governmental forces, as well as the travel ban on leading members of the Revolutionary United Front (RUF) and of the former military junta. The Council also decided that States would notify all exports from their territories of arms or related materiel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone would mark, register and notify to the Committee all imports made by it of those items, and that the Committee would report regularly to the Council on notifications so received.
5. In its resolution 1306 (2000) of 5 July 2000, the Council decided, inter alia, that all States should, for an initial period of 18 months, prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory. In the same resolution, the Council also decided that diamonds controlled by the Government of Sierra Leone through the certificate of origin regime would be exempt from those measures. The prohibitions on diamonds not controlled by the certificate of origin regime were extended for additional periods of 11 months and 6 months, respectively, by resolutions 1385 (2001) of 19 December 2001 and 1446 (2002) of 4 December 2002.

6. On 5 June 2003, the President of the Security Council read out a statement to the press in which he noted, *inter alia*, that in light of the increased efforts of the Government of Sierra Leone to control and manage its diamond industry and ensure proper control over diamond-mining areas, as well as the Government's full participation in the Kimberley Process, the members of the Council had agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime.

7. With the expiration of the diamond sanctions, the mandate of the Committee is once again wholly contained in resolution 1171 (1998), which refers to the requirement of reporting State/Government notifications of export/import of arms and related materiel to the Security Council, and to the tasks of the Committee in relation to the arms embargo and the travel ban, both of which are still in force.

8. To date, the travel ban list includes the names of 30 individuals designated as leading members of the former military junta in Sierra Leone, the Armed Forces Revolutionary Council (AFRC) or as leading members of RUF. The list was last revised on 20 September 2004, when 16 names were removed on the basis of information provided by the Government of Sierra Leone.¹ In a letter dated 30 September 2004, the Chairman informed the Permanent Representative of Sierra Leone that the Committee would welcome any further information or recommendations from the Government in connection with the travel ban list or the individuals whose names were inscribed therein. A second letter concerning the travel ban list was dispatched by the Chairman on 14 July 2006. However, to date, a response is still pending from the Government of Sierra Leone.

B. Summary of the activities of the Committee

9. The Committee considered a letter dated 10 February 2006 from the Permanent Representative of Denmark to the United Nations, regarding the proposed export, by a Danish flag vessel, of commercial explosives to a private company in Freetown, Sierra Leone, for use in a diamond industry bulk sampling programme. In a reply dated 14 February 2006, the Chairman conveyed the view of the members of that Committee that the proposed delivery did not include arms and related materiel as referred to in paragraph 4 of resolution 1171 (1998) and was therefore not subject to the Committee's consideration.

10. The Committee also considered a letter dated 21 April 2006 from the Permanent Representative of Switzerland to the United Nations, seeking the Committee's determination as to whether a proposed donation by Switzerland of certain vehicles, trailers and related spare parts and services to the Consortium for Rehabilitation and Development in Sierra Leone fell within the scope of the arms embargo. On the basis of the detailed information provided by the Permanent Representative of Switzerland with respect to those supplies, the Committee was able to conclude that the items in question did not qualify as "arms or related materiel" as stipulated in paragraph 2 of resolution 1171 (1998), and were therefore not subject to further consideration by the Committee.

¹ The latest version of the travel ban list is available on the Committee's website at: http://www.un.org/Docs/sc/committees/SierraLeone/1132_list.htm.

11. On 11 July 2006, the Committee held one session of informal consultations to consider the travel ban list. Subsequently, on 14 July, the Chairman wrote to the Permanent Representative of Sierra Leone to the United Nations, informing the latter that the members of the Committee agreed that the time might be ripe to once again review the travel ban list to ensure that it accurately reflected the changing security situation in Sierra Leone and the ongoing judicial process in the Special Court for Sierra Leone; and that, before proceeding in that review, the members of the Committee would welcome receiving the views of the Government of Sierra Leone on the future of the travel ban measure itself, as well as any additional relevant information or suggestions regarding those individuals who remained on the list.

12. The Committee considered and approved one request for a waiver from the travel restrictions imposed by resolution 1171 (1998). The request, submitted by the Registrar of the Special Court for Sierra Leone on behalf of an accused suspect of the Special Court, in order to enable the latter to receive medical treatment, was transmitted by a letter dated 5 December 2006 from the Permanent Representative of Canada to the United Nations.

C. Violations and alleged violations of the sanctions regime

13. During the reporting period, no violations or alleged violations of the sanctions regime were brought to the attention of the Committee.

III. Observations

14. In the light of Sierra Leone's continued progress in its peacebuilding efforts in 2006, the Chairperson encourages members of the Committee and the Security Council to continue consultations to determine the appropriate time to streamline the legal basis for sanctions in Sierra Leone. While recognizing that any revision of the sanctions measures would fall under the purview of the Security Council, the Chairperson notes that one contribution that the Committee could make towards having an up-to-date sanctions regime is to ensure that the travel ban list established pursuant to resolution 1171 (1998) reflects as closely as possible the current situation in Sierra Leone. The Committee awaits the views of the Government of Sierra Leone in this connection, after which it hopes to undertake a review of the list to that end.



Security Council

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**Letter dated 28 December 2006 from the Chairman of the
Security Council Committee established pursuant to resolution
1521 (2003) concerning Liberia addressed to the President of
the Security Council**

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, containing an account of the Committee's activities for 2006. The report is being submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(Signed) Ellen Margrethe Løj
Chairman

Security Council Committee established pursuant
to resolution 1521 (2003) concerning Liberia



Annex**Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia****I. Introduction**

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 1 January to 31 December 2006.

2. For 2006, the Bureau consisted of Ellen Margrethe Løj (Denmark) as Chairman, with the delegations of Japan and Qatar providing the Vice-Chairmen. During the reporting period, the Committee held three formal meetings in addition to 10 informal consultations.

II. Background information

3. Previous sanctions regimes against Liberia were imposed by Security Council resolutions 788 (1992) and 1343 (2001), respectively. In its resolution 1521 (2003), the Security Council decided to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003) the Council dissolved the Committee established pursuant to resolution 1343 (2001) and established a new Committee to oversee the implementation of the measures as modified and reimposed by the same resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution, and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. Resolution 1521 (2003) also established a Panel of Experts to provide the Committee with information regarding the implementation of the measures and progress made towards meeting the conditions for the lifting of sanctions. On 16 March 2004 the Committee issued a new travel-ban list, containing the names of individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003).

4. By paragraph 1 of resolution 1532 (2004), the Security Council decided that, in order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its initial list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list) (SC/8123). By paragraph 5 of resolution 1532 (2004), the Security Council further decided that it would review the measures imposed by paragraph 1 of the same resolution at least once a year; however, no expiration date for these particular measures was provided in the resolution.

5. A summary of the imposition and extension of the various sanctions measures (excluding the assets freeze) together with the mandates of the Panel of Experts is contained in the table below:

<i>Security Council resolution number and date</i>	<i>Arms embargo and travel ban extended for</i>	<i>Diamond sanctions extended for</i>	<i>Timber sanctions extended for</i>	<i>Panel of Experts extended for</i>	<i>Document symbol of Panel's report</i>
Resolution 1521 (2003) 22 December 2003	12 months	12 months	12 months	5 months	S/2004/396 and Corr.1 and 2
Resolution 1549 (2004) 17 June 2004	n/a	n/a	n/a	6 months	S/2004/752 S/2004/955
Resolution 1579 (2004) 21 December 2004	12 months	6 months	12 months	6 months	S/2005/176 S/2005/360
Resolution 1607 (2005) 21 June 2005	n/a	6 months	n/a	6 months	S/2005/745
Resolution 1647 (2005) 20 December 2005	12 months	6 months	6 months	6 months	S/2006/379
Resolution 1689 (2006) 20 June 2006	n/a	6 months	n/a	6 months	S/2006/976
Resolution 1731 (2006) 20 December 2006	12 months	6 months	n/a	6 months	

6. Notably, in the reporting period, by its resolution 1683 (2006), the Security Council, welcoming the leadership of then newly elected President Ellen Johnson-Sirleaf and her efforts to restore peace, security and harmony throughout Liberia, modified the arms embargo to incorporate additional exemptions for the Liberian Special Security Service and, subject to advance approval by the Committee, for members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003.

7. By its resolution 1689 (2006), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on timber, decided not to renew the prohibitions on the import of round logs and timber products from Liberia; however, it also decided to review that decision after a period of 90 days and expressed its determination to reinstate the measures, unless forestry legislation as specified in the resolution had been passed. During the review, held on 20 October, the members of the Council concluded that there was no basis for reinstating those measures as otherwise stipulated in the resolution (SC/8856).

III. Summary of the activities of the Committee

A. Requests for exceptions to the measures

8. During the reporting period, the Committee considered and approved four requests, in accordance with paragraph 2 (e) of resolution 1521 (2003), for exemptions to the arms embargo to allow for the equipping and training of the Liberian armed forces and police.

9. In a communication dated 6 March 2006 the United States Mission to the United Nations requested an exemption to ship weapons and ammunition for use in a United States security programme to train the Liberian Special Security Service to provide close protection for the President of Liberia.

10. In communications dated 11 August and 13 September 2006, the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland requested the Committee's approval for the export of material for use by UNMIL to provide training to Liberian police officers in modern security techniques and protection drills in addition to safe weapon handling procedures (11 August), and for the export of material to a United States-based private security firm for training of the armed forces of Liberia (13 September).

11. The fourth request for exemption, received in a letter dated 21 September 2006 from the Permanent Mission of Nigeria, concerned the export of 50 side arms and related material donated as part of Nigeria's assistance to the Government of Liberia, for use by trained members of the Liberian National Police. This request was related to the petition for exemption submitted by the National Transitional Government of Liberia in the previous year, on which additional documentation was also provided, at the Committee Chairman's request, by the Special Representative of the Secretary-General for Liberia. The Chairman had indicated at that time, in separate letters dated 9 December 2005 addressed to the Special Representative and to the Permanent Representative of Nigeria to the United Nations, that the Committee would expeditiously consider a request for exemption once such a request had been received from the Permanent Mission of the State that intended to export the side arms and related material to Liberia.

12. During the period under review, the Committee considered a communication dated 21 April 2006 from the Permanent Mission of Switzerland seeking the Committee's determination as to whether a proposed donation by the Swiss Confederation of certain vehicles, trailers and related spare parts and services to the Office of the United Nations High Commissioner for Refugees (UNHCR) in Liberia fell within the scope of the arms embargo, and, if so, also requesting an exemption in accordance with paragraph 2 (f) of resolution 1521 (2003), which relates to the provision of non-lethal military equipment intended solely for humanitarian or protective use. On the basis of the detailed information provided by the Permanent Mission with respect to those supplies, the Committee was able to conclude that the items in question did not fall under the scope of the embargo, and therefore did not require the Committee's prior approval for export.

13. The Committee also considered a request for guidance, received via letter dated 28 July 2006 from the Special Representative for Liberia, from a French film production company seeking to import dummy weapons, demilitarized weapons, blank ammunition and special effects equipment into Liberia, in order to be able to

shoot a feature film on location in the country. After careful review of the documents submitted by the film company, as well as of additional relevant information received from members of the Committee and UNMIL, the Committee decided that the dummy weapons and special effects equipment did not fall under the scope of the arms embargo and therefore did not require the Committee's prior approval for importation. The Committee further decided that the demilitarized weapons and blank ammunition did fall under the scope of the embargo, and the Committee was unable to accede to the request for an exception to allow the import of these items into Liberia. In this connection, the view was expressed that an exception for such materials was not provided for in resolution 1521 (2003).

14. Following the adoption of resolution 1683 (2006), which modified the arms embargo on Liberia to include additional specific exceptions for the Government of Liberia, the Committee, in September 2006, agreed on a set of procedures to facilitate its consideration of requests for exceptions submitted under resolution 1683 (2006), and to help ensure, with UNMIL assistance, that any arms exported to Liberia under such exceptions were accounted for as called for in that resolution. The Chairman of the Committee transmitted these procedures to the Permanent Representative of Liberia and to the Special Representative for Liberia, in separate letters dated 3 October 2006.

15. During the reporting period, the Committee considered 14 requests for travel-ban waivers under paragraph 4 (c) of resolution 1521 (2003), of which 3 were granted. Two extensions to the initial period covered by one of those waivers were also granted, owing to the exceptional circumstances described in the request.

16. In accordance with the exception set out in paragraph 2 (a) of resolution 1532 (2004), the Committee received one notification, dated 28 July 2006, from the Permanent Mission of Italy regarding the Government's intention to authorize access to hitherto frozen funds in order to meet certain expenses incurred by an individual included on the assets-freeze list. Following the receipt of additional relevant information in connection with that notification, no negative decision was taken by the Committee within the requisite two-day period.

17. In accordance with the exception set out in paragraph 2 (b) of resolution 1532 (2004), the Committee received and approved two notifications, dated 24 January and 20 June 2006, respectively, from the Permanent Mission of Italy regarding the intention of the Government to authorize access to hitherto frozen funds in order to cover certain expenses of an entity included on the assets-freeze list.

B. Review of the travel-ban and assets-freeze lists

18. During the reporting period, the Committee continued to review its travel-ban list in accordance with its relevant procedures, which stipulate, *inter alia*, that "the Committee will review the list every three months in connection with outstanding requests to remove individuals from the list received through the Permanent Mission of which the listed individual is a national, or through the nearest United Nations office. In exceptional cases, the Committee will consider requests received directly from individuals". These quarterly reviews were conducted in January, March, June, September and December 2006, during which the Committee considered a total of 13 de-listing requests. One of these requests was a collective one submitted on

behalf of four individuals. During the period under review, the Committee removed the name of one individual from the travel-ban list (SC/8909).

19. On 3 April 2006, the Committee approved the inclusion of additional information under the "designation/justification" column associated with four names on the travel-ban list (SC/8685). On 1 August, the Committee approved the inclusion of revised information under the same column associated with a fifth name on the list. The latest version of the travel-ban list is available on the Committee website (<http://www.un.org/Docs/sc/committees/Liberia3Template.htm>).

20. In the previous reporting period, on 15 November 2005, the Committee had agreed to consider, at its next review of the travel-ban list, a de-listing request submitted directly to the secretariat of the Committee at United Nations Headquarters, on the grounds that the request had been submitted to "the nearest UN office" in the sense of the Committee's relevant procedures. Accordingly, that request was considered during the quarterly review held in January 2006. In the current reporting period four additional de-listing requests were submitted directly to the secretariat of the Committee, which the Committee also considered based on the same reasoning. One of those requests was submitted by a non-governmental organization on behalf of the listed individual.

21. The Committee also considered a letter dated 23 May 2006, received via the Special Representative for Liberia, from an individual whose name had been inscribed on the travel-ban list established pursuant to resolution 1343 (2001) and who informed the Committee of his detention by the immigration authorities of a State on the mistaken grounds that he was in violation of the Security Council travel ban. In her letter to the Permanent Mission of that State, the Chairman of the Committee clarified that the 1343 list had ceased to take effect on 15 March 2004, and that the individual in question was not inscribed on the travel-ban list established pursuant to resolution 1521 (2003), which superseded the 1343 list.

22. In addition, the Committee conducted three six-monthly reviews of the assets-freeze list, in January, June and December 2006, in accordance with paragraph 4 (b) of resolution 1532 (2004). The Committee considered four de-listing requests. Furthermore, since two de-listing requests submitted prior to the March quarterly review of the travel-ban list concerned an individual and an entity that were inscribed on the assets-freeze list, and a de-listing request submitted prior to the September quarterly review concerned an individual whose name was also inscribed on the assets-freeze list, the Committee considered those requests in connection with the assets-freeze list also. The Committee did not remove any names from the assets-freeze list in 2006.

23. On 3 April 2006, the Committee approved the inclusion of additional information under the "designation/justification" column associated with two names on the assets-freeze list (SC/8685). The latest version of the assets-freeze list is also available on the Committee website.

24. The Committee received a request for information, via note verbale dated 16 October 2006 from the Permanent Mission of Lebanon, concerning the listing of an individual whose name is inscribed on both the travel-ban and assets-freeze lists. The Chairman dispatched a reply on 21 December 2006.

25. In conducting its work related to the travel-ban and assets-freeze lists, the Committee continued to be guided by the procedures, adopted on 16 March 2004,

for updating and maintaining its travel-ban list and also for handling requests for exemptions from the travel restrictions contained in paragraph 4 of resolution 1521 (2003). In conducting its work, the Committee also continued to apply its guidelines for the application of paragraphs 1 and 4 of resolution 1532 (2004) concerning the assets freeze, which were last updated on 31 August 2004. These procedures and guidelines are also available on the Committee website.

C. Implementation of the sanctions regime

26. During the reporting period the Committee received no additional replies from States in response to its note verbale dated 20 January 2004; thus the total number of replies received remains 17. Pursuant to paragraph 21 (b) of resolution 1521 (2003), the note verbale sought information from all States, particularly those in the subregion, about the actions they had taken to effectively implement paragraphs 2, 4, 6 and 10 of that resolution.

27. In separate letters dated 11 July 2006 addressed to the Permanent Missions of the Central African Republic and Togo, respectively, the Chairman requested any information that could shed further light on the alleged travel to those States, in violation of the travel ban, of two listed individuals, as reported by the Panel of Experts (see S/2006/379, paras. 155 and 157), as well as any general information on the steps taken by the Governments to implement the travel sanctions.

28. Subsequently, in separate letters dated 21 December 2006 addressed to the Permanent Missions of Benin, Brunei Darussalam, Ghana, Nigeria and Togo, respectively, the Chairman requested any information that could shed further light on the alleged travel to those States, in violation of the travel ban, of the same two individuals, as reported by the Panel of Experts (see S/2006/976, paras. 197, 198 and 202-204), as well as any general information on the steps taken by the Governments to implement the travel sanctions ahead of the Committee's next quarterly review of the travel ban.

29. The Committee received one additional reply, and an addendum with further details, from a State in response to its note verbale of 14 June 2004 (see appendix 1), bringing the total number of replies received to 15. Pursuant to paragraph 4 (d) of resolution 1532 (2004), the note verbale sought information from all States regarding the actions they had taken to trace and freeze the funds, other financial assets and economic resources described in that resolution.

30. Following the conduct of elections and the installation of a new government in Liberia, the Chairman, in a communication dated 17 February 2006, sought the views of the President of Liberia on how the assets freeze might be better implemented and also underscored that, in accordance with paragraph 4 (c) of resolution 1532 (2004), it was within the mandate of the Committee to assist States, where necessary, in tracing and freezing the funds, other financial assets and economic resources of individuals and entities included on the list. The Chairman stated that the Committee would therefore welcome receiving details from the Government of Liberia regarding any assistance it might need to effectively implement the assets freeze, so that the Committee could consider how such assistance might best be provided.

31. At the Committee's 7th formal meeting, held on 10 May 2006, the Chairman reported on her visit to Liberia, which had taken place from 5 to 9 April. The Chairman noted that one purpose of the visit was to exchange views with relevant officials on how the Committee might assist in facilitating the implementation of the assets freeze in Liberia. The Chairman also described, in some detail, her meeting with the Minister of Justice, which focused mainly around the implementation of the assets freeze.

32. In a letter dated 21 December 2006, addressed to the Permanent Representative of Liberia, the Chairman, as a follow-up to the Committee's consideration of the most recent report of the Panel of Experts (S/2006/976), conveyed the concern of members that the Government of Liberia had not yet taken necessary action to effectively freeze the funds, financial assets or other economic resources of the individuals and entities contained in the Committee assets-freeze list, requested up-to-date information on the efforts of the Government to implement the assets freeze, and reiterated that the Committee would welcome receiving details regarding any assistance the Government might need in that regard.

33. In a letter dated 11 July 2006 addressed to the Permanent Mission of the Netherlands, the Chairman requested any information on the steps taken by the Government authorities to implement the assets freeze in the case of a listed individual who, according to the information provided by the Panel of Experts (see S/2006/379, para. 156), had earlier been arrested in the Netherlands for trafficking stolen cars.

34. In the above-mentioned letter addressed to the Permanent Mission of Nigeria, the Chairman also requested any information, by 31 January 2007, that could shed further light on the alleged investments made by former Liberian President Charles Taylor in Nigeria, as reported by the Panel of Experts (see S/2006/976, para. 155), as well as information about the actions taken by the Government authorities to effectively implement the assets freeze.

D. Other activities

35. On 6 February 2006 the Committee discussed the programme of work of the Panel of Experts, which was re-established by resolution 1647 (2005). On 29 March, the Committee received an informal update from the Panel of Experts as envisioned in paragraph 9 (e) of the same resolution.

36. The Chairman of the Committee visited Liberia from 5 to 9 April. She provided an oral report on her visit at the 7th meeting of the Committee, on 10 May. The purpose of the visit was to discuss the implementation of the sanctions on Liberia and the progress that had been achieved to date in meeting the conditions for their lifting; and to demonstrate to the new Liberian Government the support and engagement of the Committee, including by exchanging views on how the Committee might assist in facilitating the implementation of the assets freeze in Liberia. The visit also served as an opportunity to assess the impact of sanctions in the context of the humanitarian and development needs of Liberia.

37. During informal consultations on 7 June and the 8th meeting on 13 June, ahead of the Council's next sanctions review, the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1647 (2005)

(S/2006/379). At the 8th meeting, the Committee also received a briefing from a representative of the Chairman of the Kimberley Process, who led the Kimberley Process mission to Liberia from 22 to 27 May 2006.

38. On 16 June, as part of the Council sanctions review, the Chairman made a statement to the Council summarizing the discussions in the Committee on the report and recommendations of the Panel of Experts.

39. On 27 September and 17 October, ahead of the reviews called for in resolution 1689 (2006) of the Council decision not to renew the ban on import of all round logs and timber products from Liberia and of its decision to renew the ban on imports of rough diamonds from Liberia until 20 December 2006, the Committee considered two briefs prepared by the Panel of Experts that was re-established by the same resolution: the first on the adoption of the National Forestry Reform Law of 2006 of Liberia and the second on the diamond sector.

40. On 20 October, as part of those reviews, the Chairman made a statement to the Council summarizing the discussions in the Committee on the two briefs.

41. The Committee received a copy of a letter dated 23 October 2006, from the Chairman of the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the Special Representative for Liberia, for its information only, concerning the alleged presence of Liberians, as reported by the Group of Experts on Côte d'Ivoire (see S/2006/735), in a militia group based in Côte d'Ivoire. The Committee also received a copy of the reply dispatched by the Special Representative, dated 20 November 2006.

42. During informal consultations on 5 and 13 December, ahead of the Council's next sanctions review, the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1689 (2006) (S/2006/976). On 19 December, as part of the sanctions review, the Chairman made a statement to the Council summarizing the activities of the Committee and the discussions held therein on the final report and recommendations of the Panel of Experts.

IV. Observations

43. Liberia has seen important, positive developments in 2006. In the political arena, following the conduct of successful elections, the new democratically elected Government, headed by President Ellen Johnson-Sirleaf, was installed in January. In addition, former President Charles Taylor was captured while making his escape from Nigeria in March; he had previously been, in June 2003, indicted by the Special Court for Sierra Leone for war crimes, crimes against humanity, and other serious violations of international humanitarian law, and is currently awaiting trial in The Hague. As regards sanctions, the adoption of the National Forestry Reform Law of 2006 has led to the lifting of the measures on timber. The achievement of desired results in the forest and timber sector now rest on proper implementation of the adoption legislation. While significant progress has also been made in meeting the requirements for lifting the sanctions on diamonds, there are still several important steps that need to be taken for establishing a transparent, effective and internationally verifiable Certificate of Origin regime for Liberian rough diamonds, with a view to joining the Kimberley Process.

44. The gradual progress in the reform of the Liberian security sector has led to a gradual easing of the arms embargo. Yet it is important that the Committee remain vigilant and liaise closely with UNMIL in monitoring developments in this regard. The Committee has been working consistently to keep the travel-ban list and the assets-freeze list up to date with the most recent information, including the de-listing of one individual. Keeping the sanctions lists updated, including through listings and de-listings, sends a key message to Liberia and the international community that the Committee is willing to revise its lists in the light of new developments. Also in this regard the Chairman encourages the Committee to work out a comprehensive set of guidelines, in accordance with Security Council resolution 1730 (2006), adopted under the item entitled "General issues relating to sanctions", regarding listing and de-listing procedures in subsidiary bodies of the Council, while at the same time building on the established practice in the Liberia sanctions Committee of considering, in exceptional cases, de-listing requests submitted directly by listed individuals.

Appendix 1**Replies received from States in accordance with
paragraph 1 of Security Council resolution 1532 (2004)**

State	Date of note verbale	Symbol
Syrian Arab Republic	6 April 2006 26 April 2006	S/AC.41/2006/1 and Add.1



Security Council

Distr.: General
28 December 2006

Original: English

Letter dated 28 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (see annex), which covers the Committee's activities during the period from 1 April 2006 to 31 December 2006. This report is submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(Signed) Adamantios Th. Vassilakis
Chairman

Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan



Annex

Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan covers the period from 1 April to 31 December 2006. The previous report of the Committee covered the period from 29 March 2005, when the Committee was established, to 31 March 2006 (see S/2006/543).

2. For 2006, the bureau consisted of Adamantios Th. Vassilakis (Greece) as Chairman, with the delegations of Argentina and Slovakia providing the Vice-Chairmen. During the reporting period, the Committee held six informal consultations.

II. Background information and activities of the Committee

A. Background information

3. By its resolution 1556 of 30 July 2004, the Security Council imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the states of Northern Darfur, Southern Darfur and Western Darfur in the Sudan.

4. By its resolution 1591 of 29 March 2005, the Council broadened the scope of the arms embargo, with immediate effect, to include all the parties to the N'Djamena Ceasefire Agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur. By the same resolution 1591, the Council also established a committee to monitor the implementation of the arms embargo and the two additional measures imposed by the resolution, namely a travel ban and an assets freeze on those individuals designated by the Committee on the basis of the criteria contained in the resolution. The travel ban and the assets freeze entered into force on 29 April 2005.

5. Resolution 1591 (2005) also established, for a period of six months, a Panel of Experts to assist the Committee in monitoring the implementation of the arms embargo, travel ban and assets freeze, to report to the Council through the Committee with its findings and recommendations, and to coordinate its activities as appropriate with ongoing operations of the African Union Mission in the Sudan. Under the same resolution, the Panel of Experts was also identified as a source of information regarding individuals who might be designated by the Committee as subject to the targeted sanctions.

6. In a letter dated 13 May 2005, the Under-Secretary-General for Political Affairs proposed the names of four individuals to serve on the Panel of Experts established by resolution 1591 (2005). On 30 June 2005, following an exchange of communications between the Committee and the Secretariat regarding the specific process and criteria for selecting nominees to serve on the Panel, the Secretary-General appointed four individuals to the Panel of Experts in accordance with

resolution 1591 (2005) (S/2005/428). The Panel presented an interim report to the Committee on 7 October 2005, then its final report under resolution 1591 (2005) on 9 December 2005. The Committee transmitted the final report to the Council on 30 January 2006 (S/2006/65).

7. By its resolution 1651 of 21 December 2005, the Security Council decided to extend the Panel's mandate until 29 March 2006. By a letter dated 13 January 2006, the Secretary-General appointed three individuals to the Panel (S/2006/23), while a fourth expert was subsequently appointed by the Secretary-General on 10 February 2006 (S/2006/99). The Panel presented its final report under resolution 1651 (2005) to the Committee on 22 March 2006, and the Committee transmitted the report to the Council on 19 April (S/2006/250).

8. By its resolution 1665 of 29 March 2006, the Security Council decided to extend the Panel's mandate for six months, until 29 September 2006. By a letter dated 17 May 2006, the Secretary-General appointed four individuals to the Panel, of whom one had served as panellist under the previous mandate (S/2006/301). The reconfigured Panel provided a mid-term briefing on its work to the Committee on 25 July 2006, and presented its final report under resolution 1665 (2006) on 31 August 2006. The Committee transmitted the report to the Council on 2 October (S/2006/795).

9. By its resolution 1672 of 25 April 2006, the Security Council designated four individuals as subject to the travel ban and assets freeze imposed by resolution 1591 (2005).

10. By its resolution 1679 of 16 May 2006, the Security Council expressed its intention to consider taking, including in response to a request by the African Union, strong and effective measures, such as a travel ban and assets freeze, against any individual or group that violated or attempted to block the implementation of the Darfur Peace Agreement.

11. By its resolution 1713 of 29 September 2006, the Security Council decided to extend the Panel's mandate for a period of one year, until 29 September 2007, while also authorizing the addition of a fifth expert to enable the Panel to better carry out its mission. By a letter dated 28 November 2006, the Secretary-General appointed five individuals to the Panel, of whom four had served as panellists under a previous mandate (S/2006/926).

B. Summary of the activities of the Committee

12. During the period under review, the Committee received no additional replies to its communications to 11 States in the region of the Sudan and to all States, dispatched on 17 and 27 May 2005, respectively, which recalled the relevant provisions of resolutions 1556 (2004) and 1591 (2005) and requested information on the steps that States had taken to implement the arms embargo, the travel ban and the assets freeze. Thus, the total number of replies received remains 13.

13. In a letter dated 19 April 2006, the Permanent Mission of the Republic of Korea to the United Nations sought the Committee's interpretation regarding several aspects of the arms embargo imposed by resolution 1591 (2005). In a reply dated 25 April, the Committee conveyed its understanding that, according to paragraph 7 of resolution 1591 (2005), Member States could provide arms and military equipment to the Government of the Sudan outside the Darfur region and that the

Government could move military equipment or supplies irrespective of their origin into the Darfur region on the condition that such movement was approved in advance by the Committee upon a request by the Government.

14. At its informal consultations on 19 April 2006, the Committee discussed the proposed designation of four individuals as being subject to the travel ban and assets freeze imposed by subparagraphs (d) and (e) of paragraph 3 of resolution 1591 (2005). On 20 April, the Chairman of the Committee delivered his fourth 90-day report to the Security Council on the work of the Committee, in accordance with subparagraph 3 (a) of the same resolution, in which he briefed the Council on the Committee's discussions regarding the proposed designation of individuals. Subsequently, on 25 April, the Security Council adopted resolution 1672 (2006), designating those individuals. Following the adoption of resolution 1672 (2006), the Committee incorporated the names of the individuals designated therein into a consolidated travel ban and assets freeze list.¹

15. In a letter dated 15 May 2006, the Chargé d'affaires a.i. of the Permanent Mission of the Sudan responded to an earlier query from the Committee, transmitted via letter dated 17 March 2006 from the Chairman, on why the Government of the Sudan had not sought the Committee's prior approval, in accordance with paragraph 7 of resolution 1591 (2005), in connection with the arms and materiel moved into Darfur.

16. At its informal consultations on 15 June 2006, the Committee met with the three new members of the Panel of Experts, the Panel's mandate having been extended by resolution 1665 (2006). The Committee heard an update from the Panel on its programme of work. The Committee also took note of the above-mentioned communication from the Permanent Mission of the Sudan.

17. At its informal consultations on 25 July 2006, the Committee heard and discussed a mid-term briefing provided by the Panel of Experts pursuant to paragraph 2 of resolution 1665 (2006). The oral briefing was supplemented by a written report which, however, was not issued as a document of the Council. On 27 July, the Chairman delivered his fifth 90-day report to the Council, which essentially summarized the discussions held in the Committee's informal consultations.

18. At its informal consultations on 26 September 2006, the Committee received an oral and visual presentation by the Panel of Experts concerning its final report under resolution 1665 (2006) (S/2006/795), and Committee members were also provided with copies of an unpublished annex to that report. At its informal consultations on 29 September, the Committee continued its interactive discussion in greater depth with the Panel on the contents of the report. On the same day, as recommended in the report, the Security Council, by its resolution 1713 (2006), extended the Panel's mandate for one year and also authorized the addition of a fifth expert.

19. At its informal consultations on 20 October 2006, the Committee devoted its attention to the other recommendations contained in the Panel's report and agreed to take action on some of them. Accordingly, the Chairman dispatched three

¹ The consolidated list is available on the Committee's website at: http://www.un.org/Docs/sc/committees/Sudan/Sudan_list.pdf.

communications: a letter dated 8 November, addressed to the Permanent Representative of the Sudan to the United Nations, encouraging the Government of the Sudan to consider issuing multiple-entry visas for the experts and to ameliorate the security constraints faced by them in-country; a letter dated 8 November, addressed to the Chairperson of the African Union Commission, seeking the views of the African Union and the African Union Mission in the Sudan on how a baseline inventory of arms and related materiel in Darfur could be undertaken under article 27 of the Darfur Peace Agreement in order to enhance the monitoring and effectiveness of the arms embargo; and a note verbale dated 24 November, addressed to all States, which encouraged them to provide the Committee with relevant additional identifiers for the individuals designated as subject to the targeted sanctions by resolution 1672 (2006) and circulated a photograph of one of those individuals.

20. On 22 November 2006, the Chairman delivered his sixth 90-day report to the Security Council, the text of which was based on the discussions held in the Committee's prior informal consultations.

21. In conducting its work, the Committee followed the guidelines which it adopted on 23 March 2006.² Among other things, the guidelines serve to facilitate the implementation of the travel ban and assets freeze imposed by subparagraphs (d) and (e) of paragraph 3 of resolution 1591 (2005), in accordance with subparagraph 3 (a) (iii) of the same resolution. In this connection, however, no requests were received by the Committee either to remove the names of individuals on the consolidated travel ban and assets freeze list or for exemptions to the targeted sanctions.

C. Violations and alleged violations of the sanctions regime

22. In both its mid-term briefing and final report under resolution 1665 (2006), the Panel of Experts drew attention to ongoing violations of the arms embargo imposed by resolutions 1556 (2004) and 1591 (2005). It also made recommendations aimed at improving the implementation of the embargo. The Committee took action on one of those recommendations — that is, in the form of the above-mentioned letter dated 8 November 2006, addressed to the Chairperson of the African Union Commission.

23. The Panel of Experts also made recommendations aimed at enhancing the implementation of the travel ban and assets freeze imposed by resolution 1591 (2005) with respect to the individuals subsequently designated by resolution 1672 (2006). The Committee took action on one of those recommendations through the dispatch of the above-mentioned note verbale dated 24 November, addressed to all States.

24. In addition, as mentioned in paragraph 18 above, the Panel of Experts provided to the Committee an annex to its report containing information regarding individuals who could be considered for designation by the Committee as subject to the targeted sanctions. By the end of the reporting period, the Committee had not designated any additional individuals as such.

² The guidelines are available on the Committee's website at: www.un.org/Docs/sc/committees/SudanTemplate/htm.

**Security Council**

Distr.: General
28 December 2006

Original: English

Letter dated 20 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the written assessment of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (see annex), which was approved by the Committee on 13 December 2006. The written assessment, submitted pursuant to paragraph 17 of Security Council resolution 1617 (2005), is based on the assessment prepared by the Analytical Support and Sanctions Monitoring Team (see enclosure). I would appreciate it if the present letter and its annex could be issued as a document of the Council.

(Signed) César Mayoral

Chairman

Security Council Committee established pursuant to
resolution 1267 (1999) concerning Al-Qaida and the
Taliban and associated individuals and entities



Annex

Written assessment pursuant to paragraph 17 of Security Council resolution 1617 (2005)

I. Introduction

1. In paragraph 17 of its resolution 1617 (2005), the Security Council requested the Committee to provide an update of the written assessment referred to in paragraph 13 of resolution 1526 (2004) concerning actions taken by Member States to implement the measures imposed on Al-Qaida, the Taliban and their associates. The Committee asked the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) to make a preliminary assessment in accordance with the terms of paragraph 13, which was provided on 27 October 2006 (see enclosure). It covers the period 1 August 2005 to 30 September 2006, during which time six additional States reported pursuant to resolution 1455 (2003), bringing the total number of States reporting under this resolution to 147. In addition, 55 States submitted a checklist in accordance with paragraph 10 of resolution 1617 (2005). The Committee is grateful to the Monitoring Team for its factual assessment and frank observations, which have helped the Committee to prepare its own updated assessment, as requested by the Council.

II. Objectives and methodology

2. The primary objective of the Committee assessment is: (a) to inform the Security Council of implementation of the sanctions measures by States; (b) to identify in general terms possible areas of the sanctions regime requiring the increased attention of the Council and/or the Committee for further improvements; (c) to provide feedback to States that have reported on their sanctions implementation; and (d) to remind States of their obligation to implement the sanctions measures, and to encourage those that have yet to report, pursuant to resolution 1455 (2003), to inform the Committee of their efforts.

3. The Committee found it difficult to make a balanced and objective assessment based solely on the additional replies received from six late reporting States. The Committee's assessment is therefore based on the previous assessment prepared by the Monitoring Team, as the Team in its most recent assessment stated that "much of the Team's previous assessment, published in an annex to the Committee's report (see S/2005/761) on 6 December 2005, still holds true". The Committee also highly benefited from the information provided by the Monitoring Team on its travel to many States and international organizations and from information obtained by the Chairman of the Committee during his travel to selected States.

III. Conceptual and implementation framework

Al-Qaida/Taliban threat and the role played by sanctions

4. The sanctions regime as designed by the Security Council and implemented by States is one of the tools at the disposal of the Security Council to counter and

prevent terrorist acts planned or perpetrated by Al-Qaida and the Taliban and their associates. The Committee shares and takes seriously the Monitoring Team's observation that the threat from Al-Qaida and the Taliban is constantly changing and continues to grow. It is, therefore, of utmost importance that the sanctions are designed and implemented in such a way as to address this threat with a great deal of precision and to allow for further improvements, as necessary.

5. In addition to reporting pursuant to resolution 1455 (2003), by paragraph 10 of resolution 1617 (2005), the Security Council established a new mechanism, the "checklist", calling on States to report by 1 March 2006 to the Committee on specific actions they had taken to implement the sanctions with regard to 23 individuals and one entity placed on the Committee's list between 29 July 2005 and 31 January 2006. Although the checklist mechanism was aimed at simplifying and facilitating effective States' reporting, only 55 States had submitted their checklist by 30 September 2006.

6. The Committee is pleased to know that some States, in addition to complying with the assets freeze, travel ban and arms embargo, have implemented a number of non-mandatory measures contained in relevant Security Council resolutions, which were designed to strengthen the efficiency of the sanctions regime or enhance the capacity of the Committee (for example, through cooperation with Interpol). The Committee also agrees with the Team's assessment that key international and regional organizations could play a useful role in assisting Member States to effectively implement these measures and that the Committee could consider utilizing them in broadening its outreach to the officials on the ground who have to implement the sanctions on a daily basis.

IV. Progress achieved towards raising awareness of the Consolidated List and improving its quality

7. The Committee is pleased to note that as of 30 September 2006 the number of States that appear to circulate the Committee's list to relevant authorities and agencies had reached 169; it is however concerned that within some States amendments to the list still circulate with delays.

8. The Committee reiterates its commitment to improving the quality of the information contained in its list, being aware that Member States' ability to use it is essential for the success of the entire sanctions regime. In July, the Committee introduced the following improvements with regard to its list: (a) a standard form/cover sheet for States to use as a guide when submitting proposals for listing; this practical guidance was forwarded to all States in July and is available on the Committee's website for direct downloading and completion; (b) the introduction of permanent reference numbers for all entries on the list, allowing for more precise identification of targeted individuals and entities; and (c) the transliteration of the names on the list in their original script.

9. On 29 November, the Committee revised the whole section in its guidelines regarding its Consolidated List. In this revised section, the Committee introduced a number of improvements with a view to providing States with more transparency and guidance concerning the submission of new names for the Committee's list, and addressed concerns raised by States with regard to the fairness of its procedures.

10. It is obvious that the Committee can further improve its list only in partnership with States, in particular in enhancing its scope and accuracy. The Committee strongly believes that no reason is good enough to justify delays in the submission of new names or further identifying information on the names already on its list. In this regard, the Committee wishes to stress again that no criminal conviction is required for the submission of names to its list.

V. Successes and difficulties in States sanctions implementation

Assets freeze

11. The Committee noted information in the Monitoring Team's assessment showing that 34 States had frozen about US\$ 91.2 million in financial assets, of which 74.2 per cent was frozen by three States. The Committee is concerned that not all States have fully complied with the requirements of relevant Security Council resolutions to freeze the assets of listed individuals and entities. The Committee is also concerned that targets can benefit from any lack of vigilance and diligence by States and can transfer or hide their assets. Ensuring effective action against possible terrorist financing through the assets freeze related to Al-Qaida and the Taliban and their associates is a complex and challenging task requiring synergies at the national and international levels. The Committee intends to re-examine recommendations in this area provided by the Monitoring Team in its previous reports when it considers the Team's sixth report.

12. The Committee noted with satisfaction that the suspicious transaction reporting (STR) system had proven to be an effective instrument in countering the financing of Al-Qaida and Taliban-sponsored terrorism and that at least 110 States had established financial intelligence units to provide capability to analyse STRs. While this tool still needs further improvements to address the problems reported by the Monitoring Team, including the lack of guidance on appropriate indicators for what financial institutions should look for, it has already contributed to increased awareness of the financial sanctions in banks and other financial institutions.

Travel ban

13. The Committee noted that States are making greater efforts to implement the travel ban. The Committee recognizes that implementation of the travel ban causes a great deal of difficulty to some States, whether because of the lack of details regarding some names on the Committee's list or due to the lack of technical equipment at their borders. At the same time, the Committee notes with concern that some States have omitted to report cases of violation of the travel ban by listed individuals.

Arms embargo

14. The Committee notes that implementation of the arms embargo seems to have had less effect than the financial and travel ban measures. An assessment of States' implementation in this regard continues to be difficult due to the lack of precise and specific information from States. A recently approved "Explanation of Terms" paper

on the arms embargo already forwarded to States may be helpful to States in their efforts to implement the arms embargo more efficiently. The Committee expects additional suggestions from the Monitoring Team aimed at further improving the arms embargo.

Resolution 1452 (2002)

15. Resolution 1452 (2002) was adopted by the Security Council with a view to alleviating the hardship of listed individuals (and entities) and their families by authorizing the Committee to release funds for basic and other needs. Some States frequently approach the Committee in this regard; the Committee would like to express its appreciation to the Governments of Germany and the United Kingdom of Great Britain and Northern Ireland, which constantly notify or submit requests to the Committee pursuant to this resolution, demonstrating their commitment to the implementation of sanctions and due regard for the humanitarian situations of listed individuals.

VI. Major tasks and challenges before the Committee and dialogue with States

16. The Committee has worked intensely to address various challenging sanctions-related issues. The revision of its guidelines regarding listing and de-listing procedures, an absolute priority on its agenda, however, has proven to be time consuming and more difficult to achieve than initially anticipated. It is nevertheless positive that all members, in particular several non-permanent members, have engaged in the Committee's work and actively contributed to consensus solutions.

17. The Monitoring Team, in addition to providing assistance to the Committee in its sanctions monitoring functions, in particular through its visits to selected States and relevant international organizations, has also constantly supported the Committee in reaching a better understanding of the difficulties States are facing in their implementation efforts. The Monitoring Team prepared, for the Committee's consideration, a number of analytical expert background papers, on the basis of which the Committee has been able to achieve considerable progress in its work, such as the de-listing of the names of deceased persons on the Committee's list, and guidance for States on how effectively to search the list, as well as on many other important issues.

18. The Committee expected that more States (currently seven) would show an interest in approaching the Committee for in-depth discussions of relevant issues, as the Council offered that opportunity to States in its relevant resolutions with a view to discussing in an informal setting issues of common interest, especially those requiring the Committee's assistance or action.

19. On 26 July, the Chairman of the Committee held a briefing for Member States with the aim of providing more information on the work of the Committee and responding to the queries or questions of representatives of States. Although the meeting was quite well attended, not many issues were raised. The Committee intends to explore how to structure these briefings so that they can serve as a better interactive and effective tool for a mutually beneficial exchange of views.

VII. Conclusions

20. It appears, based on the information available, that States make conscientious efforts to implement the sanctions measures as they realize that no State is immune to terrorism and its consequences. The Committee would like to see States pursue implementation of the sanctions measures with the same vigour with which they approach their highest national interests, as they can achieve further economic, social and other progress only in a world of stability and national and international security.

21. The Committee would also like the reporting cycle pursuant to resolution 1455 (2003) to be completed by obtaining and considering the remaining 44 implementation reports; as always, the Monitoring Team is ready to assist States in preparing their reports. The Committee wishes to stress that all States, including those that have already reported, should update the information provided in their reports, as appropriate, and forward it to the Committee as soon as possible. Only thus can the Committee be aware of efforts or challenges and problems encountered by States in their sanctions implementation.

22. The level of sanctions implementation differs, as is most apparent from visit reports of the Monitoring Team and the Chairman's travel to selected States. The Committee intends to address in a more vigorous manner the difficulties States face in their implementation, in particular with regard to the accuracy of the Committee's list and listing and de-listing procedures. The Committee, as already mentioned, has introduced improvements with regard to its list and is currently making additional efforts to address other problematic issues raised by States.

23. At the same time, the Committee is aware that the actual implementation of sanctions in some States might be below their capacity, and therefore it intends to deal with States' compliance, especially of those States known to be vulnerable to terrorist threat, with the assistance of the Monitoring Team, in a more systematic and focused manner, including considering possible actions to be taken to address incomplete sanctions implementation.

24. The Committee would like to believe that this report, together with the Monitoring Team's assessment, will be helpful to States, as they are primarily responsible for sanctions implementation and can eventually benefit most from the preventive effects of counter-terrorist measures, which also include sanctions. In this regard, the Committee wishes to encourage all States to be in permanent contact with the Committee, its Chairman and the Monitoring Team, especially should they need clarification or assistance with regard to their implementation efforts.

VIII. Future analytical assessments: possible improvements

25. In order to improve the quality of future analytical assessments of sanctions implementation, the Committee may wish to consider the following suggestions:

(a) To synchronize the timing of future comprehensive assessments with the reports requested from the Monitoring Team, and their subsequent consideration in the Committee, with the preparation of new Security Council resolutions aimed at further improving the existing sanctions measures; interim

assessments could be focused on the implementation of particular sanctions measures;

(b) To determine, in more detail, the criteria against which States' implementation performance should be evaluated and thus allow the Committee to analyse and assess more reliably to what degree States have complied with their obligations. For transparency purposes, such criteria should be communicated to all States;

(c) To continue the coordination between the Monitoring Team and relevant committees and bodies, such as the Counter-Terrorism Committee and the 1540 Committee, to allow for a better understanding of how these bodies can work together on issues of common interest while respecting the division of work under their respective mandates;

(d) To draw clear recommendations for the improvement of the sanctions regime, focusing in concrete terms on the problematic or challenging areas. During its 2004-2006 mandate, the Monitoring Team presented more than 200 various recommendations, most of them addressed to States. It might be useful to consolidate, categorize and prioritize these recommendations and share them in a user-friendly manner with Member States so that they can enhance their sanctions implementation;

(e) In the assessments, it might also be useful to specify particular implementation difficulties or problems faced by States or groups of States and to take into account some innovative approaches that States have introduced in the implementation of sanctions, as highlighted in the best practices paper prepared by the Monitoring Team, which could be beneficial to other States, especially those approaches that are easy to introduce or are cost-effective.

Enclosure

Assessment prepared by the Analytical Support and Sanctions Monitoring Team pursuant to annex I (m) to resolution 1617 (2005)

27 October 2006

Paragraph 17 assessment

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Resolution 1617 (2005), paragraph 17

"... *Reminds* the Committee of its responsibilities as outlined in paragraph 14 of resolution 1455 (2003) and paragraph 13 of resolution 1526 (2004), and calls upon the Committee to provide the Council no later than 31 July 2006 with an update of the written assessment referred to in paragraph 13 of resolution 1526 (2004) of actions taken by Member States to implement the measures described in paragraph 1 above ..."

I. Introduction

1. This report has been prepared by the Analytical Support and Sanctions Monitoring Team at the request of the 1267 Committee. It relates to the Security Council's request in paragraph 17 of resolution 1617 (2005) for an updated written assessment of Member States' implementation of the sanctions measures imposed on Al-Qaida, the Taliban and their associates.¹ The report covers the period from 1 August 2005 to 30 September 2006.

2. Much of the Team's previous assessment, published in an annex to the Committee's report (see S/2005/761) on 6 December 2005, still holds true. However, there is more to say on how States have dealt with the Consolidated List of individuals and entities to whom the measures apply (the List),² on how they have implemented these measures, and on action taken in respect of non-mandatory measures mentioned in resolution 1617. The Team was able to provide many of the statistics in this assessment through use of its database.

3. During this period the Committee has provided Member States with additional tools to facilitate the implementation of the sanctions regime, in particular a cover-sheet template³ for new listing submissions and online⁴ access to United Nations-Interpol Special Notices. It remains to be seen to what extent Member States will find these new tools useful.

II. Reports from Member States

A. Resolution 1455 (2003) reports

4. Between 1 August 2005 and 30 September 2006, six additional States responded, bringing the total number of Member States that have reported under resolution 1455 (2003) to 147. Each of these States used the Guidance issued by the

¹ The sanctions cover an assets freeze, travel ban and an arms embargo which apply to the individuals, groups, undertakings and entities associated with Al-Qaida and the Taliban as designated on a Consolidated List by the 1267 Committee (see para. 1 of resolution 1617 (2005)).

² The List can be consulted online at <http://www.un.org/Docs/sc/committees/1267/pdflist.pdf> for the PDF version or <http://www.un.org/Docs/sc/committees/1267/tablelist.htm> for the html version.

³ The cover sheet can be downloaded from the Committee's website at <http://www.un.org/Docs/sc/committees/CoverSheetEng.doc>.

⁴ The special notices can be consulted at <http://www.interpol.int/Public/NoticesUN/Search/Recent.asp>.

Committee and generally responded to all 26 questions. This leaves 44 Member States that have yet to submit a report: 24 are members of the Africa group, 9 of the Asia/Pacific group, 10 of the Latin America/Caribbean group, and 1 of the Eastern European group.

5. In September 2006, the expert groups supporting the CTC, 1267 and 1540 Committees submitted a joint paper which sets out a common strategy to deal with the issue of non-reporting States (NRS) to the 1267 and 1540 Committees and late reporting States (LRS) to the CTC. The main objective of the common strategy is to bring the current reporting round to a close and so allow the three Committees to address in a more practical way the problems and assistance needs of these NRS/LRS.

6. Resolution 1455 reports are useful in building a baseline assessment of the status of Member States' implementation of the sanctions measures. In the final analysis, whatever the current reasons for non-reporting, since all Member States have submitted at least one report to the CTC, the basic capacity must exist. Hence, if assistance is available to the 44 NRS for their resolution 1455 reports, it should be possible to collect the final pieces of information from all.

B. Checklists

7. Between 1 March and 30 September 2006, 54 States⁵ returned a checklist as called upon by paragraph 10 of resolution 1617 (2005); and six others requested an extension. The checklist requested information on the 23 individuals and one entity placed on the Consolidated List between 29 July 2005 and 31 January 2006. While the checklist tool supposedly made reporting easier for Member States, the 54 States that replied generally provided only the bare minimum required. Five States gave additional detail as to how they were applying the three sanctions measures against the 24 new names; three States indicated problems or challenges with implementation, and two other States provided additional or updated information with regard to some of the 24 new names. None of the reporting Member States provided the Committee with new information on the names placed on the List prior to the checklist reporting period.

8. The fact that only 54 States have reported after seven months suggests that this tool has not led to wider or quicker reporting.

III. Contact with Member States

A. Reports on trips

1. Chairman's trips

9. Within the period covered by this assessment, the Committee Chairman, Ambassador H.E. Cesar Mayoral, visited seven States: Chad, Indonesia, Japan, Nigeria, Qatar, Saudi Arabia and Yemen, as well as the OSCE in Vienna. He also chaired the Monitoring Team's Fourth Regional Meeting for the heads and deputy

⁵ An additional checklist was submitted on 17 October 2006 bringing the current total to 55 States.

heads of Intelligence and Security Services of eight Arab countries and Pakistan, held in Vienna in June 2006.

2. Monitoring Team trips

10. Within the same period the Team visited 24 States: Afghanistan, Albania, Armenia, Australia, Bosnia and Herzegovina, Croatia, Ethiopia, Georgia, Italy, Jordan, Kenya, Kyrgyzstan, Lesotho, Mozambique, Pakistan, Philippines, South Africa, Swaziland, Tajikistan, Tanzania, Thailand, Uganda, Uzbekistan and Yemen. Six of these States (Ethiopia, Georgia, Kenya, Mozambique, Swaziland and Uganda) have not yet submitted a report under resolution 1455 and 18 have not submitted a checklist under resolution 1617.

11. The Team's trips focussed on States that face a high level of threat, which have particular knowledge of the threat, or which it deemed vulnerable to the threat. All States visited demonstrated their firm commitment to the sanctions regime, but some are struggling to implement the measures, mainly through a lack of capacity. All provided useful additional information.

B. Meetings

1. Paragraph 14 of resolution 1617 (2005): briefings to the Committee

12. During the reporting period three States⁶ appeared together before the Committee, as invited by paragraph 14 of resolution 1617 (2005). This briefing provided the Committee with valuable information on listing and de-listing proposals from the three States and on the due process concerns of other Member States.

13. So far only seven States have appeared before the Committee for in-depth discussion since the Security Council first offered this opportunity in January 2004, and at a briefing to Member States on 26 July 2006 the Chairman encouraged more States to take up this invitation.

2. Regional and international meetings

14. During the reporting period, the Team attended, by invitation, 31 regional and international meetings (13 in 2005 and 18 in 2006), which offered a useful opportunity to discuss with participating States (as well as international and regional organizations) issues related to the implementation of the Al-Qaida/Taliban sanctions regime.

15. In general the Team found a high level of commitment to the work of the 1267 Committee and an encouraging awareness of the List and the sanctions measures. The Team believes that key international and regional organizations can play a useful role in helping Member States to implement the measures more effectively, especially in broadening the Committee's outreach to officials on the ground who have to implement the sanctions on a daily basis.

⁶ Germany, Sweden and Switzerland to present the Watson Institute paper.

3. Regional meetings for the heads of intelligence and security services

16. The Monitoring Team has, over the last two years, organized several meetings of heads of security and intelligence services. There are currently three regional groups: the first comprises Algeria, Egypt, Jordan, the Libyan Arab Jamahiriya, Morocco, Pakistan, Saudi Arabia and Yemen, and has met four times over the last two years. The second, which considers in particular the regional threat from Al-Qaida-related terrorism in Somalia, currently comprises Ethiopia, Kenya, Saudi Arabia, the Sudan, Tanzania and Yemen, as well as representatives of the Transitional Federal Government of Somalia. The third, which looks at the issues of Al-Qaida-related groups in the Sahel-Sahara region, currently comprises the Libyan Arab Jamahiriya, Mali, Mauritania, Morocco and Niger.

17. Over the reporting period the Team has held four regional meetings with three different groups: two with the first group (issues related to the sanctions against Al-Qaida and the Taliban in general), one with the second (Somalia) and one with the third (Sahel-Sahara).

18. The Team has also begun to set up a fourth group, of South-East Asian partners, which will include, among others, Indonesia, Malaysia and the Philippines.

IV. Consolidated List

A. Circulation

19. In its previous assessment, the Team reported that 146 States had said that they circulate the List (and any changes) to banks and, to a certain extent, to other financial institutions, as well as to ports of entry and other relevant authorities. Since then, an additional 23 States have reported the same, bringing the total to 169 States that appear to have mechanisms in place for proper circulation.

20. However, Team visits revealed that in many States the circulation of the List — in particular of updates — is slow, especially to border posts. With regard to the arms embargo, there is also very little information on whether and if so, how, the private sector and civilian firearms control agencies are being engaged in the implementation of this sanction measure. Lack of internal coordination, exacerbated in some cases by capacity problems, poses the main problem. Inevitably, the lack of a central database to which all agencies have easy access leads to patchy and unsynchronized circulation of the List to those that need it.

B. Provision of information for the List

21. During the period covered by this report, 20 States forwarded submissions to the Committee, either for the addition of a new name (12 submitted new names of individuals, eight submitted new names of entities), or, in addition, to provide further information on names that already appear on the List (six States). Two other States also provided additional information on individuals and one State regarding an entity.

22. Between 1 August 2005 and 30 September 2006, the Committee approved the addition to the List of 35 names of individuals and six of entities. Fourteen States

had their submissions agreed by the Committees, of which three had not made a submission before.

23. In response to Member State uncertainty about the criteria for adding names to the List, the Committee introduced a cover sheet for States to use as a guide in submitting proposals for listing. The cover sheet itemizes the information the Committee would wish to see included in any listing submission, as well as guidance for the Statement of Case that must be attached to each submission. The cover sheet has been transmitted to Member States and can be found on the Committee's website at: www.un.org/Docs/sc/committees/1267Template.htm.

C. Requests under resolution 1452 (2002)

24. Between 1 August 2005 and 30 September 2006, the Committee received 32 notifications for humanitarian exemptions under paragraph 1 (a) of resolution 1452 (2002), which brings the total to 57 since the adoption of the resolution in December 2002. The notifications concerned payments for a variety of items, including for basic expenses and accommodation (21 requests) and legal representation (11 requests).

V. Implementation of the measures

A. Implementation

1. Financial measures

25. Currently, according to all information received by the Team, 34 Member States have frozen about US\$ 91.2 million in financial assets, of which 74.2 per cent (US\$ 67.7 million) has been frozen by three Member States. The frozen assets represent (mainly) balances in bank and investments accounts; life insurance policies, mortgage accounts and equity shares. However, the total amount frozen excludes assets frozen by five Member States that have not specified the amounts or types of assets they have frozen.

26. While States have maintained some of the momentum generated immediately after the terrorist attacks in the United States on 11 September 2001, the depth of implementation varies among them and is affected by a number of factors, including the speed with which the Committee's listings are implemented nationally. There is a real risk that uneven implementation of the assets freeze can alert targets that their assets are about to be frozen, allowing them time to move them.

27. Overall nearly all those States that submitted a report pursuant to resolution 1455 (2003), as well as the non-reporting States visited by the Team, have indicated that they incorporate the Consolidated List in their national systems, although many need to increase awareness of the sanctions regime in non-bank financial institutions and designated professions. A greater awareness of the List among the general public could also help to prevent their use by listed parties to access the regulated financial sector indirectly.

28. "Know your customer" requirements continue to be an important instrument in many States. No State has reported any listed party attempting to open a bank

account under the listed name, but at least one State has reported that a listed party attempted to send money through their banking system.

29. The suspicious transactions reporting (STR) system has also been instrumental in countering the financing of Al-Qaida and Taliban-related terrorism. At least 110 States have established financial intelligence units to provide capability to analyse STRs. In theory STR systems are supposed to detect terrorist financial flows, but statistics indicate that most of the STRs collected globally relate to money-laundering. Although STRs relating to terrorist financing increased sharply after the attacks of 11 September 2001, a large number of States have reported that they have received no or few STRs pertaining to Al-Qaida and Taliban financing.

30. This otherwise useful tool is beset by a number of problems, including the lack of guidance on what financial institutions should look for. The lack of guidance on appropriate indicators has given rise to mixed results; too many reports are submitted for fear of regulatory sanction, or reports are not submitted because of confusion as to their purpose. In the few States where many STRs are collected, an added problem is the lack of capacity to deal with them.

31. The situation is likely to improve as many States have sent experts to attend the many international meetings that are held to discuss countering financing of terrorism and the implementation of international standards.

2. Travel ban

32. The six Member States that submitted their resolution 1455 (2003) reports and the 54 States that submitted checklists under resolution 1617 (2005), as well as the 24 States visited between August 2005 and September 2006, all reported taking the necessary measures to implement the Al-Qaida/Taliban travel ban. One Member State has adopted new legal provisions for this, five Member States have revised and updated current legislation and four Member States continue to use existing legislation. Four Member States informed the Team that they face problems with their national legislative provisions for full implementation and incorporation of the Consolidated List into their national databases. Three Member States acknowledge that they need to train staff in the implementing agencies concerned for the travel ban to have full effect.

33. Member States continue to report that the lack of detail regarding some names on the List causes them difficulty. Eight of the additional Member States considered for the purposes of this assessment have reported this problem. Several States confirm that they require a minimum of three or four identifiers to be able to include a name on their national databases. One State reported having stopped and prevented entry to an individual who had a name similar to that of a listed individual, but was unable to be sure that the identification was correct.

34. Almost all States visited by the Team said that listed individuals were included on their national watch-lists, with some cross-reference to the Consolidated List. The Team checked the immigration databases of three Member States and discovered that not all listed individuals had been included. These three databases also did not explain that listed individuals were subject to the Al-Qaida/Taliban sanctions measures.

35. Four Member States reported that they have access to the Interpol database of lost and stolen travel documents; and two others are in the process of establishing

such access. Eleven Member States reported that they have seized a certain amount of fraudulent passports used by individuals attempting to enter or leave their territories; one Member State confirmed that forged travel documents had been used by listed individuals to enter its territory, but that this was before their names were added to the List. During visits to 10 States, the Team explained the United Nations-Interpol Special Notices, in particular that these contained additional identifiers regarding listed individuals; two States confirmed that they had been receiving the notices and had disseminated them to relevant national authorities.

36. Five Member States confirmed that all national border points could check electronically the departure and arrival of all individuals from and to their territory against national watch or stop-lists. Eight Member States informed the Team that they were in the process of equipping their border points with the capacity to make such electronic searches. Eleven Member States said that the lack of relevant technical equipment made it difficult to keep their borders under sufficient control. The Team also learned that the consular offices of four Member States have electronic access to national stop-list databases; six Member States consulted said that their consular offices do not have direct access and have to submit all visa applications to their capitals for further checking.

37. Five Member States informed the Team that they have technical difficulties in coordinating cooperation between the relevant national law enforcement agencies and the national body authorized to update the Consolidated List. Twelve Member States reported that they rely on notifications from other Governments or other sources to learn of changes to the List.

3. Arms embargo

38. All information collected from the six new resolution 1455 (2003) reports, the 54 checklists submitted under resolution 1617 (2005) and the 24 States visited between August 2005 and September 2006, indicates that implementation of the Al-Qaida/Taliban arms embargo measure has not been given the same and/or as sufficient attention as the other two sanctions measures.

39. In line with the information provided in the Team's previous assessment, the Member States considered for the purposes of this report indicated that the List was provided to the relevant authorities responsible for implementation. Seven of the 24 States visited also provided information on the mechanisms they had put in place to implement the arms embargo. Unfortunately, this information was insufficient to make a thorough assessment of their effectiveness. Similarly, although some States provided information about their import/export control of military weapons, none of the six new reports submitted under resolution 1455 (2003) provided enough information to assess the overall effectiveness of the State's implementation. One State said that it had not adopted any specific legislation and relied on existing legislation to implement the embargo.

40. Three of the States visited informed the Team that they have strong, centralized control over the arms trade through their Ministry of Defence. Others said that they have only a general prohibition of arms sales, which excludes their Army and security forces. A few States also mentioned that they have exceptions, for example for hunting purposes, without detailing any mechanism by which the Consolidated List is used to check that there is no violation of the Al-Qaida/Taliban

arms embargo. Regular mention was also made of import and export controls, but no information was provided on the domestic regulations that operate in parallel.

41. None of the States visited has provided information on how it engages the private sector on implementation of the arms embargo, although it is clear that in some circumstances the private sector is involved in dealing with arms and related materiel that fall within the scope of the Al-Qaida/Taliban arms embargo. No State has provided information on how training and assistance is dealt with under its implementation of the embargo.

42. In the Team's assessment, the extent of the information provided by States on their implementation of the Al-Qaida/Taliban arms embargo is closely related to the degree of their understanding of the sanctions measure itself, and of their commitment to full implementation as part of their effort to deal with the threat of terrorism.

B. Action on non-mandatory measures

1. Paragraph 5 of resolution 1617 (2005): informing individuals and entities of their listing

43. There has been increased public debate over this period concerning the importance of informing individuals of their listing. Most States that have joined this debate have done so because they see this as an important way to improve the sanctions regime, though some have argued that they oppose any contact with terrorists. States have noted that the "request" to inform individuals of their listing in paragraph 5 of resolution 1617 (2005) appears to be more forceful than the "strongly encourages" of paragraph 18 of resolution 1526 (2004), which also covers this issue.

44. Although no State has reported to the Team, or to the Committee, that it has taken such action, several States have explained their procedure for doing so. Most have given the responsibility to their Foreign Ministry, though others argue that the publication of the name in the official government gazette is sufficient notification.

2. Paragraph 8 of resolution 1617 (2005): cooperation between the United Nations and Interpol

45. Paragraph 8 of resolution 1617 (2005) requested the Secretary-General to increase cooperation between the United Nations and Interpol to assist the Committee and Member States in their work. This enhanced cooperation resulted in December 2005 in the creation of Interpol-United Nations Security Council Special Notices for the individuals on the Consolidated List with sufficient identifiers. As of 30 September 2006, Interpol had issued 263 Special Notices (and had withdrawn one on the de-listing of the individual concerned by the Committee).

46. These Notices contain information from the List and additional identifying data supplied by Interpol. The law enforcement-confidential portion of the information supplied by Interpol, such as fingerprints, is stored in a restricted database available only to law enforcement agencies via the National Central Bureaus of Interpol Members. Versions with public data, including photographs and physical descriptions, are available on the Interpol public website, www.interpol.int.

47. The Committee and Interpol are considering whether to expand these notices to cover entities on the List. Interpol, with the Committee's endorsement, also has begun to issue posters of certain individuals on the List who are also the subject of an Interpol red notice, which is a national warrant of arrest or court order circulated at the international level. The success of these cooperative efforts between the Committee and Interpol resulted in the passage of Security Council resolution 1699 in August 2006, which requested, where appropriate, similar cooperation between Interpol and other Security Council sanctions committees. The Interpol General Assembly approved a parallel resolution in September 2006.

3. Paragraph 9 of resolution 1617 (2005): invalidation of stolen/lost passports and use of Interpol database

48. In paragraph 9 of resolution 1617 (2005), the Security Council urged all Member States to ensure that stolen and lost passports and other travel documents are invalidated as soon as possible, and share information on those documents with other Member States through the Interpol database. This was to help prevent listed individuals from using lost, stolen or fraudulent documents to circumvent, in particular, the travel ban.

49. Interpol has informed the Team that since 1 August 2005, 29 additional States have contributed to its database. The total number of contributing States is now 117 + UNMIK, and the total number of documents in the database is over 12.5 million.

VI. Threat assessment

50. The incidence of Al-Qaida-related terrorism continues to be of wide concern. Over the period there have been several attacks and several major plots have been uncovered. The evidence from subsequent investigations suggests that the current threat is still mainly from individuals who come together to form local groups, inspired by the Al-Qaida message and intent on attacking national targets. However, the increased flow of messages from the core leadership in the Afghan border area also suggests that Usama bin Laden and Ayman Al-Zawahiri still wish to give the movement some strategic direction. Visits by the leaders of home-grown cells to the border area suggest that the core leadership may retain more than symbolic importance.

51. No State has reported a diminution of the threat. In fact, particularly at the regional meetings held by the Team for the heads and deputy heads of security and intelligence services, the opinion has been unanimous that the threat continues to grow. Some also predict a re-internationalization of the Al-Qaida movement from new bases. Somalia and the Sahel/Sahara area are seen as of particular concern.

VII. Overall assessment of implementation

52. Implementation of the 1267 (1999) sanctions regime depends on the degree of relevance that States attach to resolution 1267 and its successors. If a State does not believe that the sanctions regime has much effect on their local terrorist threat they may be less likely to enforce the measures. States continue to complain that the List is out of date, inaccurate and in some cases obscure. They are also concerned that

the process of listing appears unfair and liable to legal challenge in their national courts. They would like to see clearer guidelines on de-listing.

53. The Committee is dealing with these issues, but States are of course unaware of the details of this debate and are impatient to see results. Evidence from States suggests that the sanctions regime is at a critical stage: there is considerable support, and universal acceptance of its objectives, but States would like to see greater momentum in honing the measures and the procedures associated with their application.

**Security Council**

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**Letter dated 20 December 2006 from the Chairman of the
Security Council Committee established pursuant to
resolution 1267 (1999) concerning Al-Qaida and the
Taliban and associated individuals and entities addressed
to the President of the Security Council**

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities containing the position of the Committee on the recommendations included in the fifth report of the Analytical Support and Sanctions Monitoring Team, which was approved by the Committee on 13 December 2006. I would appreciate it if the report could be circulated to the members of the Security Council and issued as a document of the Council (see annex).

(Signed) César Mayoral
Chairman

Security Council Committee established pursuant to
resolution 1267 (1999) concerning Al-Qaida and
the Taliban and associated individuals and entities



Annex

Recommendations contained in the fifth report of the Analytical Support and Sanctions Monitoring Team

Position of the Committee

1. In his letter dated 18 September 2006 addressed to the President of the Security Council (S/2006/750), the Chairman of the Al-Qaida and Taliban sanctions Committee transmitted the fifth report of the Analytical Support and Sanctions Monitoring Team and requested its issuance as a Security Council document. In the letter it was noted that the Committee was considering the recommendations contained in the report with a view to improving the established measures and their implementation.
2. Having completed thorough consideration of the report, the Committee would like to bring to the attention of the Security Council its position on a number of the recommendations contained therein. The Committee believes that many of the recommendations should be brought to the attention of Member States, as they can significantly improve States' implementation of the sanctions measures. The Committee would also like to stress that, while finding the recommendations a valuable source for its work, it has arrived at its own conclusions with regard to their implementation, which are in some instances not necessarily the same as those of the Monitoring Team. The Committee explored in particular whether suggested improvement: (a) is within the scope of the measures mandated by the Security Council in relevant resolutions; (b) is practical and implementable by all States; (c) would not adversely affect untargeted individuals or entities; (d) would fall within the purview of national determination with regard to its implementation rather than requiring a regulation at the international level; and (e) could be implemented in partnership with other bodies or organizations. The Committee wishes to inform the Council in particular of those recommendations that the Committee feels should be implemented by States on a priority basis.
3. The Committee expresses its appreciation to the Monitoring Team for its comprehensive high-quality report, and anticipates with interest the future consideration of the sixth report submitted by the Team, in accordance with annex I to resolution 1617 (2005), on 7 November 2006.

I. The consolidated list

4. The Committee continues to attach the highest importance to the improvement of its consolidated list in order to further strengthen sanctions enforcement and implementation. In addition to submitting new names to the Committee's list, the Committee again strongly encourages all States to forward additional identifying information on individuals and entities already placed on the list and, to this end, closely cooperate with the Committee and the Monitoring Team.
5. The recommendation to provide general guidelines to States on how best to conduct an effective search of the Committee's list was welcomed by the Committee, as they can allow States to enhance their sanctions implementation. The Committee strongly encourages States to use this guidance, which will be placed shortly on the Committee website in all United Nations official languages.

6. The Committee also fully supported the recommendation that States be encouraged to make use of permanent reference numbers for entries on its list, introduced in July 2006, in their communications with the Committee, and the Committee is pleased to report that States frequently use these numbers. The Committee also found very useful the recommendation encouraging States, whenever they suggest the addition of a name for listing, to provide this name in the original script together with its Latin transliteration.

II. Implementation of sanctions

7. The Committee continues to attach great importance to States' reporting on their implementation efforts. Currently 43 States have not submitted such reports. Based on the experience gained with the whole cycle of reporting pursuant to Security Council resolution 1455 (2003) and the 55 replies received from States using the checklist, the Committee intends to evaluate the efficiency of these and other means allowing it to assess the implementation of sanctions in general and in particular in distinct States. The Committee strongly encourages States to submit or update their implementation reports as they provide the Committee with valuable information on how States implement the established sanctions measures.

8. One of the factors that may have contributed to the relatively low number of replies received from States utilizing the checklist was that States were requested to provide information only on 23 individuals and one entity. The Committee, therefore, supports the recommendation that if the Council/Committee requests the remaining replies, it should also ask for updated information on all or any of the names already on the list, on the status of assets previously frozen, and on the location of listed individuals and entities or any other change in their status.

III. Assets freeze

9. The Committee found the recommendations in this area to be of particular significance to the improvement of the sanctions regime and worthy of further study. The Committee appreciates the constant efforts of the Monitoring Team to identify the challenges encountered by States in this area and its creative approach to addressing them. The Committee feels that developing a summary of best practices directly related to the assets freeze would be especially beneficial for enhancing States' implementation in this area. The Committee welcomed the Monitoring Team's determination to initiate the work on best practices with the Counter-Terrorism Committee and relevant international organizations.

10. The Committee recognized that more needs to be done to understand terrorist financing and target terrorist financiers more effectively. In this connection, the Committee wants to appeal to States to avail themselves of the definition contained in paragraph 2 of resolution 1617 (2005) "associated with" Al-Qaida, Usama bin Laden or the Taliban and to submit the names of individuals and/or entities falling under this category to the Committee's list.

11. The Committee felt that the recommendation for banks to apply the "know your customer" rule to both new and existing customers would need to be developed as part of best practices, rather than obliging banks to do so.

IV. Travel ban

12. The Committee highly values the contribution of relevant international organizations to the implementation of sanctions, and therefore welcomed the recommendation to transmit the Committee's list to their attention with a view to obtaining their assistance in improving the efficiency of the travel ban. The Committee is currently in the process of identifying, in contact with the Counter-Terrorism Committee, the most relevant organizations and determining the ways of cooperation with them. An example of an already beneficial contribution to the work of the Committee is the assistance provided by Interpol.

13. With regard to the recommendation addressed to States to confiscate and report on lost, stolen or fraudulent documents, the Committee, while stressing the need for close cooperation among States in this regard, also noted practical and legal limitations regarding the implementation of the recommendation. The Committee would like to remind States of the provision contained in paragraph 9 of resolution 1617 (2005), which urges States to ensure that stolen and lost passports and other travel document are invalidated as soon as possible and to share information on those documents with other States through the Interpol database. In this regard, the Committee also wishes to encourage States to create national programmes to promote reporting by their citizens of the loss or theft of travel documents. The Committee also fully supported the recommendation encouraging States not only to review their border control systems to reduce the possibility of errors, but also to ensure that the entire list had been incorporated into their national watch lists, where feasible.

V. Arms embargo

14. During the consideration of the Team's fourth report, the Committee had welcomed the suggestion to clarify for States the meaning of the arms embargo in the context of the Al-Qaida and Taliban sanctions regime in order to implement it more effectively. The Team, at the Committee's request, prepared an "Explanation of Terms" paper for the Committee's consideration. The paper was approved by the Committee and is now available to all States through the Committee website. The Committee strongly encourages States to familiarize themselves with this useful paper. In this regard, the Committee wants to remind States that due to the nature of the arms embargo, its effective implementation almost certainly requires specific legislation and/or administrative measures.

15. The Committee, in principle, was in agreement with the recommendations aimed at improving the efficiency of the arms embargo by targeting those who support terrorist activities, provided that States would identify such individuals on the basis of "associated with" Al-Qaida, Usama bin Laden or the Taliban. The Committee was apprised of three such possible cases: (a) those acting in violation of the arms embargo; (b) those conducting bombings, killings or other criminal acts as members of a listed entity or in its name; and (c) those providing military training, technical and other assistance covered by the arms embargo.

16. The Committee fully supported the recommendation that States ensure that their nationals do not breach the arms embargo, and if they do, to ensure that they have the domestic legislation necessary to take action against them.

17. With regard to the recommendation suggesting that States should be encouraged to introduce safety regulations concerning the manufacturing and stockpiling of small arms and light weapons, including man-portable air defence systems, the Committee noted that in many States this had already been done. The Committee expressed its interest in further studying this recommendation once it had received a paper from the Monitoring Team dealing with this very specific issue.

VI. Conclusion

18. The Monitoring Team, during its 2004-2006 mandate, has provided the Committee in its several comprehensive reports with a great number of thoughtful observations and useful recommendations aimed at further improving the sanctions measures. In addition, the Monitoring Team continues to provide highly professional support and assistance to the Committee in its work and monitoring functions. The Committee strongly urges all States to familiarize themselves with the reports of the Team, as they contain a variety of useful and innovative ideas and information relevant to sanctions implementation. The Committee, on a consensus basis, was in a position to associate itself with a great number of the recommendations forwarded to it by the Monitoring Team. Some recommendations brought to the attention of the Committee would require in-depth study or further conceptual development focusing on practical aspects of their implementation. Others, although rational in their desired goals, at this stage, could prove difficult to implement because of a number of legal and other constraints.

19. This is the third written report of the Committee to the Security Council on the recommendations contained in the reports of its Monitoring Team. The Committee also wants to encourage States to avail themselves of the opportunity provided to them in paragraph 14 of resolution 1617 (2005) and share with the Committee their experiences with implementation of the mandatory or any other measures adopted at the national level, especially those that are similar to the recommendations presented by the Monitoring Team in its reports.